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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARCUS I. WASHINGTON,

Plaintiff,

v.

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

Filed: March 18, 2024

Civil Action No. 23 CIV 03512 (EK)(PK)

DEMAND FOR JURY TRIAL

AMENDED COMPLAINT

Per the Orders of Judge Eric R. Komitee, Plaintiff Marcus I. Washington (or "Mr. Washington"), submits this narrowed Amended Complaint solely against Defendant New York City Department of Education (hereinafter referred to as "NYCDOE").

A. NATURE OF CLAIMS:

1. This is an action for declaratory, injunctive and equitable relief, as well as monetary damages, to redress the unlawful and racially discriminatory employment practices, policies and procedures of Defendant New York City Department of Education, which include intentional violations of 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981"), Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"), the New York State Human Rights Law, New York Executive Law §§ 296 *et seq.* (the "NYSHRL"), and the New York City Human Rights Law, New York Administrative Code §§ 8-107 *et seq.* (the "NYCHRL"), defamation, libel, intentional violations of the Freedom of Information Law ("FOIL") and obstruction of justice.
2. Judge Komitee refuses to hear PLAINTIFF Mr. Washington's claims of genocide, conspiracy to deprive African Americans and all hue-mans of their unalienable, human, constitutional and civil rights under the color of law, intentional violations of the U.S. Constitution, fraud, and intentional violations of the Ku Klux Klan Act of 1871.

B. JURISDICTION AND VENUE:

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiff's rights under Section 1981 and Title VII. The Court has supplemental jurisdiction over Plaintiff's related claims arising under state and local law pursuant to 28 U.S.C. § 1367(a).
4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

C. PROCEDURAL REQUIREMENTS:

5. PLAINTIFF Mr. Washington filed a charge of discrimination against DEFENDANT NYCDOE with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII, 42 U.S.C. §§ 2000e *et seq.* on August 9, 2021. The charges arise out of the same facts alleged herein.
6. On April 10, 2023, the Equal Employment opportunity Commission issued a Notice and Right to Sue letter to PLAINTIFF Mr. Washington, stating that they would not complete their investigation into his claims of race, color and sex discrimination against his former employer, the New York City Department of Education. **See Exhibit A.**
7. On May 9, 2023, PLAINTIFF Mr. Washington submitted an appeal and to this date, no response has been provided by DEFENDANT EEOC.

8. Any and all other prerequisites to the filing of this suit have been met.

D. FACTUAL ALLEGATIONS:

9. "A society ensures its unity and survival by means of culture. The term culture has been broadly defined to encompass all the continually changing patterns of acquired behavior and attitudes transmitted among the members of a society." [Levin and Ornstein. Foundations of Education. 10th ed. pg. 291. 2008.]
10. "A people's worldview effects and tends to determine their behavior." [Marimba Ani. Yurugu.]
11. "Global white supremacy (racism)" is defined as "'the local and global power system structured and maintained by persons who classify themselves as white, whether consciously or subconsciously determined; which consists of patterns of perception, logic, symbol formation, thought, speech, action and emotion response, as conducted simultaneously in all areas of people activity (economics, education, entertainment, labor, law, politics, religion, sex and war); for the ultimate purpose of white genetic survival and to prevent white genetic annihilation on planet Earth — a planet upon which the vast and overwhelming majority of people are classified as nonwhite (black, brown, red and yellow) by white skinned people, and all of the nonwhite people are genetically dominant (in terms of skin coloration) compared to the genetic recessive white skin people.'" [Welsing, pg. ii.]
12. Religion, education and entertainment have served as large sources for socialization and maintaining racism throughout DEFENDANT United States of America's culture.

I. United States of America's History of Educational Racism:

13. "In 1600s and 1700s America, prior to the first and second Industrial Revolutions, educational opportunity varied widely depending on region, race, gender, and social class." [Wendy A. Paterson. "From 1871 to 2021: A Short History of Education in the United States." Buffalo State. December 8, 2021. <https://suny.buffalostate.edu/news/1871-2021-short-history-education-united-states>.]
14. "On April 23, 1635, the first public school in what would become the United States was established in Boston, Massachusetts. Known as the Boston Latin School, this boys-only public secondary school was led by schoolmaster Philemon Pormont, a Puritan settler." ["Apr 23, 1635 CE: First Public School in America." National Geographic.]
15. "Public education, common in New England, was class-based, and the working class received few benefits, if any. Instructional styles and the nature of the curriculum were locally determined. Teachers themselves were expected to be models of strict moral behavior." [Paterson.]
16. "Centuries of slavery and oppression led to a dual school system in which Black Americans were systematically denied access to quality education." [Harvard Library. <https://library.harvard.edu/confronting-anti-black-racism/education>.]
17. "Between 1740 and 1867, anti-literacy laws in the United States prohibited enslaved, and sometimes free, Black Americans from learning to read or write." [Harvard Library.]
18. "[L]iteracy undermined the false foundation slavery was built on: the intellectual inferiority and inhumanity of African-descended people." [Harvard Library.]
19. Anti-literacy laws were: "...a natural extension of the slave code system, preventing the enslaved black population from learning how to read in any form." ["Literacy And Anti-Literacy Laws." Encyclopedia. <https://www.encyclopedia.com/humanities/applied-and-social-sciencesmagazines/literacy-and-anti-literacy-laws>.]
20. Anti-literacy laws were "important for obvious reasons: Making it illegal for black people to learn to read and write reinforced the notion that Africans were inferior to whites." ["Literacy And Anti-Literacy Laws." Encyclopedia. <https://www.encyclopedia.com/humanities/applied-and-social-sciencesmagazines/literacy-and-anti-literacy-laws>.]
21. "In the antebellum South, literacy was a sign of intellectual development and, potentially, social mobility—in fact, many white southerners were illiterate, so it was imperative to prevent the blacks from learning to read in order to maintain the myth of white supremacy." ["Literacy And Anti-Literacy Laws." Encyclopedia. <https://www.encyclopedia.com/humanities/applied-and-social-sciencesmagazines/literacy-and-anti-literacy-laws>.]
22. "Learning to read gave the enslaved access to important information; plantation owners were afraid of the barrage of abolitionist literature flooding the South. News of recent slave insurrections and arguments against slavery as an institution were of particular concern." ["Literacy And Anti-Literacy Laws." Encyclopedia. <https://www.encyclopedia.com/humanities/applied-and-social-sciencesmagazines/literacy-and-anti-literacy-laws>.]
23. "In the case of the so-called 'Western Religions,' the Africans were even denied the right to read any book whatsoever, that is, including the Jewish or Christian 'Holy Scripture,' must less the Moslem's — which was not tolerated among the colonists, even after they became independent as the United States of America." [Jochannan, pg. 8.]
24. "Anti-literacy laws varied from state to state."
25. "The small percentage of enslaved people who became literate did so at great risk — those who were caught were often violently punished, sold, or even killed." [Harvard Library.]

26. "Black education was generally viewed with suspicion and suppressed through legislation and threat of violence."
27. "For instance, when white schoolteacher Prudence Crandall opened a boarding school for Black girls in 1832 Connecticut, the state promptly passed a law requiring written permission from town officials for anyone seeking to teach Black students from other states. This empowered anti-Black racism on a local level and, facing escalating harassment and vandalism, Crandall closed the school after only two years." [Harvard Library.]
28. "The term "normal school" is based on the French *école normale*, a sixteenth-century model school with model classrooms where model teaching practices were taught to teacher candidates. This was a laboratory school where children on both the primary or secondary levels were taught, and where their teachers, and the instructors of those teachers, learned together in the same building." [Paterson.]
29. "This model was employed from the inception of the Buffalo Normal School, where the "School of Practice" inhabited the first floors of the teacher preparation academy." [Paterson.]
30. "Earlier normal schools were reserved for men in Europe for many years, as men were thought to have greater intellectual capacity for scholarship than women. This changed (fortunately) during the nineteenth century, when women were more successful as private tutors than were men." [Paterson.]
31. "In the late nineteenth and early twentieth centuries, newly industrialized European economies needed a reliable, reproducible, and uniform work force. The preparation of teachers to accomplish this goal became ever more important. The process of instilling in future citizens the norms of moral behavior led to the creation of the first uniform, formalized national educational curriculum." [Paterson.]
32. "Normal" schools "were tasked with developing this new curriculum and the techniques through which teachers would communicate and model these ideas, behaviors, and values for students who, it was hoped, through formal education, might desire and seek a better quality of life." [Paterson.]
33. "In the United States, normal schools were developed and built primarily to train elementary-level teachers for the public schools. In 1823, Reverend Samuel Read Hall founded the first private normal school in the United States, the Columbian School in Concord, Vermont." [Paterson.]
34. "The first public normal school in the United States was founded shortly thereafter in 1839 in Lexington, Massachusetts." [Paterson.]
35. "Both public and private 'normals' initially offered a two-year course beyond the secondary level, but by the twentieth century, teacher-training programs required a minimum of four years. By the 1930s most normal schools had become "teachers colleges," and by the 1950s they had evolved into distinct academic departments or schools of education within universities." [Paterson.]
36. "Buffalo State was founded in 1871 as the Buffalo Normal School. It changed its name more often than it changed its building. It has been called the State Normal and Training School (1888–1927), the State Teachers College at Buffalo (1928–1946), the New York State College for Teachers at Buffalo (1946–1950), SUNY, New York State College for Teachers (1950–1951), the State University College for Teachers at Buffalo (1951–1959), the State University College of Education at Buffalo (1960–1961), and finally the State University College at Buffalo in 1962, or as we know it more succinctly, SUNY Buffalo State College." [Paterson.]
37. "Throughout most of post-Renaissance history, teachers were most often male scholars or clergymen who were the elite literates who had no formal training in "how" to teach the content in which they were most well-versed. Many accepted the tenet that "teachers were born, not made." [Paterson.]
38. "It was not until "pedagogy," the "art and science of teaching," attained a theoretical respectability that the training of educated individuals in the science of teaching was considered important." [Paterson.]
39. "Since the nineteenth century, however, pedagogy has attempted to define the minimal characteristics needed to qualify a person as a teacher. These have remained fairly constant as the bases for educator preparation programs across the country: knowledge of subject matter, knowledge of teaching methods, and practical experience in applying both are still the norm." [Paterson.]
40. "The establishment of the "norms" of pedagogy and curriculum, hence the original name of "normal school" for teacher training institutions, recognized the social benefit and moral value of ensuring a quality education for all." [Paterson.]
41. "By the mid-1800s, most states had accepted three basic assumptions governing public education: that schools should be free and supported by taxes, that teachers should be trained, and that children should be required to attend school." [Paterson.]
42. "As with so many innovations and trends that swept the post-industrial world in the twentieth century, education, too, has experienced many changes. The names of the great educational theorists and reformers of the Progressive Era in education are known to all who know even a little about teaching and learning: Jean Piaget, Benjamin Bloom, Maria Montessori, Horace Mann, and John Dewey to name only a few." [Paterson.]
43. United States of America's school system today came from Prussia.
44. In the 1840s, Horace Mann went to Prussia to study what was becoming a very popular way of teaching children and brought the system back to the United States.
45. Industry giants like John D. Rockefeller and Andrew Carnegie were heavily invested in the U.S. education system and fell in love with it for its ability to consistently churn out supplies of "worker bees" year after year.

46. "Higher education has a long history of excluding Black people entirely." [Hannah Furfaro. "To understand structural racism, look to our schools." Seattle Times. July 14, 2020. <https://www.seattletimes.com/education-lab/to-understand-structural-racism-look-to-our-schools/?amp=1>.]
47. Many U.S. universities like John Hopkins University and Harvard profited from slavery and used "science" and other fields of study to advance the myths of white racial superiority and black racial inferiority.

[De Jure Racism in the Jim Crow Era]

48. "After the Civil War, emancipated Black Americans who'd been denied educational access for centuries made learning a priority. They established schools at their own expense and advocated for universal public education." [Harvard Library.]
49. "Education was embraced as a safeguard of Black liberation, self-determination, and rights as citizens." [Harvard Library.]
50. "Unfortunately, strides made during this era were cut short by racism and white supremacy." [Id.]
51. "Southern schoolhouses and teachers, regardless of race, were targets of racist violence. Between 1864 and 1876, over 630 southern Black schools were significantly damaged or destroyed." [Harvard Library.]
52. "Black Americans who moved to Northern urban centers, meanwhile, were segregated by anti-Black laws, policies, and cultural practices that denied them equitable access to schools." [Harvard Library.]
53. "Across the country, state governments used their power to reinforce school segregation and to fund white schools at the expense of Black ones. Black students were left with dilapidated school buildings, fewer teachers and programs, and limited curriculum options." [Harvard library.]
54. "Facing these injustices, Black educators countered by receiving exceptional academic credentials to provide Black students with quality education." [Harvard library.]
55. "Because education was one of the only well-respected career paths open to blacks, there was an abundance of well-trained, talented black teachers. The presence of skillful teachers 'resulted in many all-Black schools as places where children received an excellent academic education, along with schooling from their Black elders in "the ways of the world."' [Lutz quoting Martha Lash and Monica Ratcliffe, "The Journey of an African American Teacher Before and After Brown v. Board of Education," The Journal of Negro Education 83, no. 3 (2014): 329.]
56. Topeka, Kansas "had a thriving black community in the decades leading up to Brown v. Board. In the 1880s and 1890s many blacks owned and managed shops, businesses, and several newspapers. Even though the city was segregated, many blacks played a prominent role in their thriving communities; from teachers to preachers to lawyers, many African American citizens of Topeka were highly respected and also served as role models for the larger community. The black press in Topeka was a point of pride for many black citizens in the capital city. Black printers in Topeka published the Topeka Plaindealer from 1900 to 1932." [Lutz.]
57. "Some black teachers in Topeka were content providing the city's black children with a separate, but enriching educational experience." [Lutz.]
58. "W.E.B. Du Bois, a prominent black leader and founder of the NAACP, believed blacks were better off maintaining their own distinct communities. Du Bois eventually distanced himself from the NAACP, as his views shifted away from the Association's stance of "unmitigated opposition to segregation." [Lutz.]
59. "Du Bois concluded that opposition to segregation in fact 'undermine[d], not enhance[d], black pride.'" [Richard Kluger, Simple Justice (New York: Random House, 1975), 165.]
60. "Du Bois cited the benefits of blacks attending their own schools and churches, living in their own neighborhoods, and 'associat[ing] with black friends.'" [Lutz.]
61. Du Bois saw segregated schools as a way to protect young black children and give them a chance to attend school where they were safe, welcome, and 'trained by teachers of their own race, who know what it means to be black in the year of salvation of 1935.'" [Lutz.]
62. "As the reform movements in education throughout the twentieth century introduced ideas of equality, child-centered learning, assessment of learner achievement as a measure of good teaching, and other revolutionary ideas such as inquiry-based practice, educating the whole person, and assuring educational opportunities for all persons, so did the greater emphasis on preparing teachers to serve the children of the public, not just those of the elite." [Paterson.]

[Racist IQ Tests]

63. The IQ test was originally developed by scientists to identify children who were struggling in schools.
64. Alfred Binet "developed intelligence tests as diagnostic tools to detect learning disabilities." [Rosales.]
65. Over time, the IQ test was diverted to rank people based on different ideologies, causing a lot of harm to different people.
66. Eugenics is often defined as "the science of improving a human population by controlled breeding to increase the occurrence of desirable heritable characteristics." [John Rosales and Tim Walker. "The Racist Beginnings of Standardized Testing." NEA Today. March 20, 2021. <https://www.nea.org/nea-today/all-news-articles/racist-beginnings-standardized-testing>.]

67. "Eugenics, both the term and the movement behind it, was the brainchild of Francis Galton (1822-1911), a cousin of Charles Darwin's; the two shared a common grandfather, Erasmus Darwin." [Sussman, pg. 49.]
68. "Galton coined the term *eugenics* in 1883 from the Greek words for 'well-born' and based the concept on some of Darwin's writings." [Sussman, pg. 49.]
69. Galton developed eugenics as a method of improving the human race and played an important role in developing the ideology of Nazism. [Rosales.]
70. "As the U.S. absorbed millions of immigrants from Europe beginning in the 19th century, the day's leading social scientists, many of them White Anglo-Saxon Protestants, were concerned by the infiltration of non-whites into the nation's public schools." [Rosales.]
71. Eugenacist Carl Brigham's "Ph.D. dissertation, written in 1916, "Variable Factors in the Binet Tests," analyzed the work of the French psychologist Alfred Binet." [Rosales.]
72. "The Stanford psychologist Lewis Terman relied on Binet's work to produce today's standard IQ test, the Stanford-Binet Intelligence Tests." [Rosales.]
73. "In his 1923 book, *A Study of American Intelligence*, psychologist... Carl Brigham wrote that African-Americans were on the low end of the racial, ethnic, and/or cultural spectrum. Testing, he believed, showed the superiority of 'the Nordic race group' and warned of the 'promiscuous intermingling' of new immigrants in the American gene pool." [Rosales.]
74. "Furthermore, the education system he argued was in decline and 'will proceed with an accelerating rate as the racial mixture becomes more and more extensive.'" [Rosales.]
75. "Brigham had helped to develop aptitude tests for the U.S. Army during World War I and — commissioned by the College Board[.]" [Rosales.]
76. "During World War I, standardized tests helped place 1.5 million soldiers in units segregated by race and by test scores. The tests were scientific yet they remained deeply biased, according to researchers and media reports." [Rosales.]
77. "In 1917, Terman and a group of colleagues were recruited by the American Psychological Association to help the Army develop group intelligence tests and a group intelligence scale." [Rosales.]
78. "Army testing during World War I ignited the most rapid expansion of the school testing movement." [Rosales.]
79. "By 1918, there were more than 100 standardized tests, developed by different researchers to measure achievement in the principal elementary and secondary school subjects." [Rosales.]
80. "The U.S. Bureau of Education reported in 1925 that intelligence and achievement tests were increasingly used to classify students at all levels." [Rosales.]
81. By 1930, multiple-choice tests were firmly entrenched in U.S. schools. [Rosales.]
82. "Brigham adapted the Army test for use in college admissions, and his work began to interest interested administrators at Harvard University." [Rosales.]
83. "Starting in 1934, Harvard adopted the SAT to select scholarship recipients at the school. Many institutions of higher learning soon followed suit." [Rosales.]

[Changing Standards for Preparing Teachers]

84. "In the second half of the twentieth century, the Sputnik generation's worship of science gave rise to similarities in terminology between the preparation of teachers and the preparation of doctors." [Paterson.]
85. "'Lab schools' and quantitative research using experimental and quasi-experimental designs to test reading and math programs and other curricular innovations were reminiscent of the experimental designs used in medical research. Student teaching was considered an 'internship,' akin to the stages of practice doctors followed. Such terminology and parallels to medicine, however, fell out of vogue with a general disenchantment with science and positivism in the latter decades of the twentieth century.
86. "[T]hese parallels have resurfaced today as we refer to our model of educating teachers in 'clinically rich settings.' [Society has] even returned to 'residency' programs, where teacher candidates are prepared entirely in the schools where they will eventually teach." [Paterson.]
87. "As the world changed, so did the preparation of teachers. The assimilation of the normal school into colleges and universities marked the evolution of teaching as a profession, a steady recognition over the last 150 years that has allowed the teacher as scientist to explore how teaching and learning work in tandem and to suggest that pedagogy is dynamic and interactive with sociopolitical forces and that schools play a critical role in the democratic promotion of social justice." [Paterson.]
88. "In the 1980s, education in America once again turned to "norming," but now the norms were not measuring one child against others; rather, each child was assessed as he or she approached the "national standards" that theoretically defined the knowledge and skills necessary for all to achieve." [Paterson.]
89. "Fearing America's loss of stature as the technologically superior leader of the free world, *A Nation at Risk*, published in 1983, cast a dark shadow over teaching and schools for many years to come until its premises were largely disrupted. During the time after this report, however, being a teacher was not a popular career choice, and teaching as a profession was called into question." [Paterson.]

90. "By 1998, almost every state had defined or implemented academic standards for math and reading. Principals and teachers were judged; students were promoted or retained, and legislation was passed so that high school students would graduate or be denied a diploma based on whether or not they had met the standards, usually as measured by a criterion-referenced test." [Paterson.]
91. "The pressure to teach to a standards-based curriculum, to test all students in an effort to ensure equal education for all, led to some famous named policies of presidents and secretaries of education in the later twentieth century[.]" including Goals 2000, Bill Clinton's Elementary and Secondary Education Act, George W. Bush's No Child Left Behind, Barack Obama's Every Student Succeeds Act and Common Core.

[The Pioneer Fund and "The New Bigot Brigade"]

92. "The new scientific racism is connected directly and historically to the early 1900s eugenics movement and to Nazism." [Sussman, pg. 210.]
93. "Besides financing Pearson, during the past thirty years, the Pioneer Fund has continued to fund a major twin study, seven new scientific racists, and those who oppose immigration into the United States." [Sussman, pg. 249.]
94. "By 2000, the Fund had provided more than \$10 million (in 2014 dollars) to support these enterprises." [Id.]
95. Hans J. Eysenck "was a British psychologist from the Institute of Psychiatry at King's College, London." [Sussman, pg. 254.]
96. Eysenck was a "pure biological determinist who believed that all of the major differences between people and races were the consequence of their genetic worth and that, for example, any compensatory education for African American children or other solutions for bettering their education was useless." [Sussman, pg. 254.]
97. He "maintained that there was a decline in IQ scores from Mongoloid through northern Europeans to southern European Caucasoids to Indians to Malays to Negroid groups, in that order." [Sussman, pg. 254.]
98. Eysenck was a supporter of Jensenism — the "idea that a person's IQ is attributable to heredity, including his or her racial heritage." [Sussman, pg. 254.]
99. Robert A. Gordon "is a retired sociologist who taught at John Hopkins University from 1963 to 2005." [Sussman, pg. 254.]
100. "Gordon believes there are direct correlations between race, IQ, poverty, juvenile delinquency, criminality, and even involvement in conspiracy rumors, all of which he argues are genetically based characteristics." [Sussman, pg. 255.]
101. Gordon's ex-wife — Linda S. Gottfredson — for many years "was the only woman to receive funds from the Pioneer Fund." [Sussman, pg. 254-255.]
102. Gottfredson was a "professor of educational psychology at the University of Delaware and co-director, with Gordon, of the Delaware-John Hopkins Project for the Study of Intelligence and Society." [Sussman, pg. 255.]
103. Gottfredson was "mainly interested in the relationship between IQ scores (which she believes measure a simply but biologically real unitary intelligence that is only slightly, if at all, influenced by environment), race (which she believes is a true biological entity), and occupational qualification (she believes that some races, especially African Americans, are unqualified for more skilled jobs)." [Sussman, pg. 254.]
104. Gottfredson "believes that socioeconomic inequality between races is the expected outcome of the lower intelligence of African Americans and that much current liberal social policy is based on the fraudulent claims of scientists who refuse to acknowledge that intellectual inferiority." [Sussman, pg. 256.]
105. Glayde Whitney, "another Pioneer Fund grantee, was a geneticist at Florida State University who mainly conducted genetic research on taste sensitivity in mice." [Sussman, pg. 256.]
106. The Pioneer Fund became interested in him because of his blatant racism.
107. "Whitney essentially reasserted the views of Madison Grant. He claimed that just as 'Pit bulls raised by Cocker Spaniels grow up to be Pit Bulls,' so 'blacks will be blacks.' No matter what their environmental circumstances, he believed, they display 'evidence of maladjustment.' No attempt to improve the cognitive skills or morals of African Americans would succeed." [Sussman, pg. 256-257.]
108. Michael Levin is a "professor of philosophy at the City University of New York." [Sussman, pg. 258.]
109. In a 1994 interview with RollingStone, Levin stated that "Blacks just have fewer inhibitions, a greater readiness to express anger, an impulsiveness...What do they do that for? Because the alternative — work and save — is not psychologically available." [Sussman, pg. 258.]
110. Levin "believes 'blackness is a sign of danger' and that given the rate of crime among African Americans, whites should fear and avoid blacks." [Sussman, pg. 258.]
111. The remaining two Pioneer Fund major grant awardees — and "all stars" of the new bigot brigade — are J. Philippe Rushton and Richard Lynn. [Sussman, pg. 259.]
112. Rushton "was a professor of psychology at Western Ontario University" and "based all of his racist ideology on three major premises: that a genetically determined, simple IQ is real; that there are true biologically based races (in fact, three) among humans; and that certain races have higher IQs than others." [Sussman, pg. 259.]
113. Richard Lynn is a "professor emeritus of psychology at the University of Ulster, Ireland."

114. Lynn served on the board of directors of the Pioneer Fund and on the editorial board of MQ." [Sussman, pg. 268.]
115. Lynn's "scholarship was most influenced by the works of Cyril Burt, Hans J. Eysenck, and Ray Cattell." [Susman, pg. 269.]
116. Cattell was an "IQ tester...who claimed that 'intelligence tests point to significant differences among the races' and that the black race 'has contributed practically nothing to social progress and culture (except in rhythm).'" [Sussman, pg. 269.]
117. Lynn reverts "to nineteenth- and early twentieth-century eugenics and Nazi ideology, maintaining that the Nordic 'race' is intellectually superior to other Caucasians and that they are more inherently suited for constitutional government than people from Alpine and Mediterranean countries (except for the Irish, who Lynn contends also have low IQs)." [Sussman, pg. 270.]
118. Lynn stated: "The Caucasoids and the Mongoloids [are] the two most intelligent races and the only races that have made any significant contribution to the development of civilization." [Sussman, pg. 270.]
119. In 1972, Lynn stated: "What is called for here is not genocide, the killing off of the population of incompetent cultures. But we do need to think realistically in terms of the 'phasing out' of such peoples...Evolutionary progress means the extinction of the less competent. To think otherwise is mere sentimentality." [Sussman, pg. 271.]
120. Lynn has repeated this sentiment many times since and adding to this quote, he stated in 2004, "Survival of the fittest, extinction of the unfit. This is the way to a better world." [Sussman, pg. 271.]
121. The controversial book on race and IQ, *The Bell Curve* (1994), was co-authored by Charles Murray and Richard Herrnstein and relied heavily on "Lynn's work as the scientific proof for their claims; they describe him as 'a leader and scholar of racial and ethnic differences.'" [Sussman, pg. 268.]
122. "Herrnstein and Murray accept[ed] the old eugenicists' assumptions that (1) there is a single, general measure of mental ability; and (2) IQ tests that measure this ability are not culturally biased. They then go on to relate IQ to race and class and draw 'sweeping political conclusions about the meaning of class and race based on IQ scores.'" [Sussman, pg. 268.]
123. Herrnstein and Murray "never discuss[ed] the underlying scientific basis for [their] claims] and continuously confused "correlation with cause." [Sussman, pg. 268.]
124. "For example, they conclude that children of the working poor, like their parents before them, are born with poor genes. They conclude that most African Americans are children of poor parents and that they also have poor genes. They also claim that there is a correlation between poverty and IQ and this is also related to poor genes." [Sussman, pg. 268-269.]
125. Herrnstein and Murray never considered that "majority of poor laboring families and poor African Americans have few opportunities to be in environments that nurture the development of the skills needed to obtain high IQ scores, and they have even fewer opportunities to succeed economically." [Sussman, pg. 269.]
126. Many of the authors cited in *The Bell Curve* were recipients of Pioneer Fund grants and Lynn was cited twenty-four times. [Sussman, pg. 269.]
127. The Pioneer Fund has funded and advanced "pure propaganda for race and racism" that has "nothing to do with actual scientific reality. They present a scientific veneer for those who don't read or understand legitimate science and who want justifications for their own racial prejudice." [Sussman, pg. 264.]

[The Dearth of African American [Male] Educators]

128. In July of 1965, the Civil Rights Act of 1964 was passed by President Lyndon B. Johnson.
129. Pursuant to 42 U.S.C. § 2000(e)(1), it is unlawful for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."
130. 60 years after the passage of Title VII, African Americans remain grossly underrepresented throughout higher-status, higher-paying positions in school districts nationwide.
131. "Well over a half-century after Brown, black teachers make up a miniscule fraction of the teaching force, which has negatively impacted many black students in terms of test scores and graduation rates." [Lutz.]
132. "Latino, Black, Asian, and Native American teachers account for 17 percent of all U.S. public school teachers." [Travis J. Bristol. "Black Male Teachers: There Aren't Enough Them." Stanford Center for Opportunity Policy in Education. 2015. <https://ed.stanford.edu/in-the-media/black-male-teachers-there-aren-t-enough-them-op-ed-travis-bristol-ma-04>.]
133. "7 percent of all public school teachers are [African American]." [Youki Terada. "Why Black Teachers Walk Away." Edutopia. March 26, 2021. <https://www.edutopia.org/article/why-black-teachers-walkaway>.]
134. Due to on-going hiring discrimination in the present and other employment practices that act as headwinds, 2% of teachers nationwide are African American males. [Bristol.]
135. According to the U.S. Census Bureau, "In 2020, the Black or African American alone population (41.1 million) accounted for 12.4% of all people living in the United States." [<https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>.]
136. In a 2003 study titled "Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination," researchers Marianne Bertrand and Sendhil Mullainathan found that job applicants with "white-sounding names"

- are about 50 percent more likely to be called back for a job interview than applicants with “black-sounding” names, even when their qualifications are indistinguishable. [Bertrand, Marianne and Sendhil Mullainathan. “Are Emily And Greg More Employable Than Lakisha And Jamal? A Field Experiment On Labor Market Discrimination,” American Economic Review, 2004, v94(4,Sep), 991-1013. <https://www.nber.org/papers/w9873>.]
137. In this study, the researchers discovered that the value of merely having a “white”-sounding name was equivalent to being black and having eight more years of experience than a “white” job applicant.
 138. “In 2012, the black and white teachers who applied for jobs in [an unnamed] district were equally qualified, researchers found. However, white teachers received a disproportional number of job offers. Although 13 percent of job applicants were black, only 6 percent received offers. On the other hand, 70 percent of applicants were white, and 77 percent received offers. Black teachers disproportionately received job offers from schools with black principals. Black teachers were also disproportionately hired in schools with high rates of low-income and minority students.” [Rebecca Klein. “Why Aren’t There More Black Teachers? Racial Discrimination Still Plays A Role.” Huffington Post. April 12, 2017. https://www.google.com/amp/m.huffpost.com/us/entry/us_58ebdccc2e4b0c89f912083dc/amp.]
 139. In 2019, “[e]conomists from the University of California Berkeley and the University of Chicago sent 83,000 job applications to 108 Fortune 500 employers — half with traditionally white-sounding names, the other half with distinctively Black-sounding names. Applicants with Black names were called back 10% fewer times across the board — and even less when it came to specific companies — despite having comparable applications to their white counterparts.” [Robin Young and Serene McMahon. “Name Discrimination Study Finds Lakisha And Jamal Still Less Likely To Get Hired Than Emily And Greg.” WBUR. August 18, 2021. <https://www.wbur.org/hereandnow/2021/08/18/name-discrimination-jobs>.]
 140. Hiring discrimination acts as a form of affirmative action for “whites.”
 141. Many studies have shown how on-going patterns of race-based discrimination in the job market contributes to employment, income and wealth gaps between “whites” and people of color.
 142. Because of hiring discrimination, “Black students are far less likely to have a teacher, counselor or principal who looks like them during the course of their education compared to white students.” [Hannah Furfaro.]
 143. “This disparity between the racial/ethnic composition of teachers and students in our schools is troubling for several reasons. First, in this flat or interconnected world, our children deserve a diverse teaching force to prepare them to be global citizens. Second, diversity drives innovation. White teachers can benefit from having teachers of color on the faculty to assist with navigating unfamiliar cultural territory and designing culturally sustaining pedagogy. Finally, evidence exists that there is an added-value — as measured by increases on standardized exams — for students of color when taught by a same race teacher.” [Bristol.]
 144. “[R]ecruitment and hiring practices tend to leave out Black educators or pay them less than their peers.” [Hannah Furfaro. “To understand structural racism, look to our schools.” Seattle Times. July 14, 2020. <https://www.seattletimes.com/education/lab-to-understand-structural-racism-look-to-our-schools/?amp=1>.]
 145. “Black teachers are often recruited to teach in schools serving large populations of students of color, many plagued with a lack of resources and high teacher turnover rates.” [Kimberly Underwood. EdSurge. August 28, 2019.]
 146. “Blacks who manage to be hired as faculty can face racism in the work environment. This includes suffering from microaggressions, significantly higher rates of promotion denials, and abuse from their students, who resist and challenge minority faculty more than White faculty, according to multiple research studies reported in the third edition of Linda Nilson’s book, Teaching At Its Best.” [Hardy.]
 147. In one study, black male teaching fellows “related inequitable teaching conditions, the lack of peer and leadership support, unrealistic accountability expectations and scarce resources as common experiences when entering a new school setting.” [Kimberly Underwood. “Why America Needs More Black Male Teachers.” EdSurge. August 28, 2019. <https://www.edsurge.com/news/2019-08-28-why-america-needs-more-black-male-teachers>.]
 148. “Black teachers often feel that their contributions aren’t acknowledged, their competence is unfairly questioned, or their assertiveness is perceived as aggression or anger. Ultimately, experiencing microaggressions on a regular basis can make teachers feel like second-class citizens in the school community.” [Terada, “Why Black Teachers Walk Away.”]
 149. In a recent study published in Educational Researcher, Toya Frank, professor of mathematics education at George Mason University, “found that compared with other factors, like salary, the level of support provided by school leadership, or a lack of resources, Black teachers’ experiences of racism played a major role in why they wanted to leave the profession.” [Terada, “Why Black Teachers Walk Away.”]
 150. African American male teachers have “related inequitable teaching conditions, the lack of peer and leadership support, unrealistic accountability, expectations and scarce resources as common experiences when entering a new school setting.” [Underwood.]
 151. “The socio-emotional challenges black male teachers faced were not enough to drive them from their schools. The nine black male teachers who left their school or the teaching profession cited having to teach under poor working conditions — specifically dysfunctional administrators. This finding supports a recent theory by Harvard University researchers Nicole Simon and Susan Moore Johnson. Black male teachers described an environment of hyper-surveillance by administrators, continuous observations where the focus was on complying with singular ways of teaching and adhering to a scripted curriculum.” [Bristol.]

152. "Yolanda Sealey-Ruiz from Teachers College at Columbia University and Richard Ingersoll from the University of Pennsylvania find that teachers of color leave the profession at rates that are higher than their White colleagues." [Bristol.]
153. "[D]espite efforts to diversify the teaching workforce, the percentage of Black teachers has dropped by one percentage point in the last 20 years." [Terada.]
154. School leadership has also yet to diversify.
155. "In 1979, blacks represented 4.3 percent of all college professors; in 1989, they represented 4.5 percent. From 1993 to 1999, the percentage of black professors climbed from 4.8 percent to 6.5 percent, but it dropped to 6.1 percent in 2001." [Brooks, pg. 92.]
156. "As late as 2012, 80 percent of principals in the U.S. were white." [Iman Rastegasi and Leah Shafer. "White Principals, Black and Brown Schools." Harvard. February 8, 2018.]
157. "Racial disadvantages in education and employment visited upon parents, grandparents, and great-grandparents have...decreased the supply of black professors." [Brooks, pg. 92.]
158. African Americans are also less likely to be superintendents or serve on the board of education across various cities. [Meghan E. Irons. "I Have Never Seen A Black Superintendent Retire." Boston Globe. July 7, 2021. <https://www.bostonglobe.com/2021/07/07/metro/i-have-never-seen-black-superintendent-retire-theres-systemic-problem/>; Bonnie Bolden. "Analysis: Are minority students adequately represented on local school boards? The answer may surprise you." Monroe News-Star. July 2, 2020. <https://www.thenewsstar.com/story/news/education/2020/07/03/analysis-do-school-boards-adequately-represent-minority-students/5357557002/>.]
159. "A White education professor and founder of the Center for Minority Serving Institutions at Rutgers University, Dr. Marybeth Gasman, is renowned in the field of race in higher education. She has blamed faculty-hiring committees and their lack of diversity and racial bias training for national minority hiring problems. Gasman noted that much of the racism was directed at Blacks and gave an example in which a Black woman applied to 200 faculty jobs without success." [Hardy.]
160. Although Blacks are underrepresented in these higher-status, higher-paying positions, they are overrepresented in lower status, lower paying positions such as substitute teacher, lunch staff and janitors.
161. Currently, DEFENDANT United States of America is facing "a severe nationwide teacher shortage and a disproportionately white teacher pipeline[.]" [Green.]

[On-Going Violations of Brown]

9. In Brown v. Board of Education, 347 U.S. 483 (1954), the Supreme Court ruled that "separate but equal" was unconstitutional and order all schools to desegregate with "all deliberate speed."
10. In Brown v. Board of education, the Supreme Court deemed "separate but equal" to be unconstitutional.
11. "We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." [Id.]
12. In Brown, former-Supreme Court Chief Justice Earl Warren stated: "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."
13. School districts were ordered to integrate with "all deliberate speed." [Brown v. Board of Education, 347 U.S. 483, 493 (1954).]
14. It takes much more than a court decision or law to change the attitudes and beliefs of staunch "white" racists about people African descent.
15. The rulings in Brown and similar cases "did not automatically end segregation, nor did they move Negroes from a position of legal inferiority to one of equality." [Ronald Turner. "The Way To Stop Discrimination On the Basis of Race..." Stanford Journal of Civil Rights & Civil Liberties. pg. 67. January 2015.]
16. "The group whom they supposedly benefit always greets cases like Brown with great celebration. But after the celebration dies down, the great victory is quietly cut back by narrow interpretation, administrative obstruction, or delay. In the end, the minority group is left little better than it was before, if not worse. Its friends, the liberals, believing the problem has been solved, go on to something else, such as saving the whales, while its adversaries, the conservatives, furious that the Supreme Court has given way once again to undeserving minorities, step up their resistance." [Richard Delgado, et al. Critical Race Theory. pg. 23. 2001.]

17. Desegregationist opponents were able to build resistance to the implementation of Brown and the opposition to Brown manifested itself in number of ways.
18. At the legislative level, in March 1956, 'the vast majority of United States Senators and Representatives from southern states issued a "Declaration of Constitutional Principles," also known as the "Southern Manifesto."'
19. "Drafted by Senators Strom Thurmond, Sam Ervin, Harry Byrd, Richard Russell, and others, the Manifesto stated that the 'unwanted decision of the Supreme Court is now bearing fruit always produced when men substitute naked power for established law.' Protesting this 'unwanted decision' and approvingly referring to Plessy v. Ferguson, the Manifesto stated that the 'original Constitution does not mention education'; that the 'very Congress which proposed the [Fourteenth Amendment] subsequently provided for segregated schools in the District of Columbia'; and that at the time of the adoption of the amendment, twenty-six of the thirty-seven states of the union 'that had any substantial racial differences among its people, either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the 14th amendment.'" [Turner, pg. 60.]
20. In Virginia, "an attempt was made to shut down the public education system rather than allow the joint schooling of black children and white children." [Charles J. Olgetree. From Dred Scott to Obama. pg. 20. 2009.]
21. "Efforts by civil rights leaders to peacefully protest segregation in American society were zealously battled by state and local authorities." [Olgetree, pg. 20.]
22. "In many ways, the fervent opposition to desegregation can be summarized in Governor George Wallace's infamous statement in his 1963 Inaugural Address: 'In the name of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny, and I say segregation today, segregation tomorrow, segregation forever.'" [Olgetree, pg. 20.]
23. As late as the 1960s, "most African-American, Latino, and Native American students were educated in wholly segregated schools funded at rates many times lower than those serving whites and were excluded from many higher education institutions entirely." [Olgetree, pg. 20.]
24. Over 38,000 black teachers in the South and border states lost their jobs after the Brown v. Board of Education ruling in 1954.
25. "Black students lost role models who not only knew them on a personal level, but had a unique understanding of their communities, cultural identities, and individual situations." [Lutz.]
26. "Many blacks believed that "without the principals, the members of the African American community lost their voice in education, and the students also lost role models whom they were able to trust and emulate.'" [Lutz quoting Martha Lash and Monica Ratcliffe, "The Journey of an African American Teacher Before and After Brown v. Board of Education," The Journal of Negro Education 83, no. 3 (2014): 334.]
27. "Although Brown v. Board of Education ended legal segregation in public schools, it did not end racial inequality in education." [Harvard Library.]
28. "[G]enerations of Black Americans both before and after [Brown have been] forced to defy laws and structural barriers to receive an education even close to equal." [Harvard Library.]
29. "Freedom of Choice plans, private school vouchers, and white flight into suburbs perpetuated segregation and further concentrated wealth and school resources into predominantly white areas." [Harvard Library.]
30. "[M]any federal rulings after the Brown decision dismantled desegregation policies and strategies, and public schools today remain highly segregated by race, ethnicity, and socioeconomic status." [Harvard Library.]
31. "Since the end of the 1970s, something has gone profoundly wrong in America. Inequality has soared. Educational progress slowed. Incarceration rates quintupled. Family breakdown accelerated. Median household income stagnated...[T]he average American has been stuck since the Reagan era in a predawn darkness of stagnation and inequality, and we still haven't shaken it off, particularly since 2000. Inequality has increased further" under Presidents Barack Obama, Donald Trump and Joe Biden. [Nicholas Kristof. "Reagan, Obama and Inequality." New York Times. January 21, 2015. <http://nyti.ms/1CRC1EV>.]
32. "As education in the United States has evolved over the years, one consistent – and significant – factor has been anti-Black racism." [Harvard Library. <https://library.harvard.edu/confronting-anti-black-racism/education>.]
33. 70 years after the passage of Brown, public schools in the United States of America, African American students throughout the nation are still being "deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."
34. "Majority of public-school students in the United States are now people of color[.]" [Iman Rastegasi and Leah Shafer. "White Principals, Black and Brown Schools." Harvard. February 8, 2018.]
35. "About 70 percent of students of color attend majority-minority schools, half of all black students are in schools that are at least three-fourths people of color, and a third of both blacks and Latinos attend schools where the student bodies are virtually all black and brown." [Tim Wise. Colorblind. pg. 102. 2010.]
36. "In large urban areas, these data are even more extreme. [F]or instance, in Chicago, the average black student attends an 86 percent black school, while in New York City, six in ten black students attend a school where 90 percent or more of all students are black." [Wise, pg. 102.]

37. "In large urban areas generally, two-thirds of black and Latino students attend schools where enrollment is at least 90 percent black and brown." [Wise, pg. 102.]
38. "These majority-people of color schools are anywhere from eleven to thirteen times more likely than mostly white schools to be places with high levels of concentrated poverty among their students." [Wise, pg. 102.]
39. "Concentrated poverty...complicates the task of delivering a high-quality education to students, as their families will face disproportionate rates of unemployment, inadequate nutrition and growing up in isolated, crowded spaces, largely cut off from the larger social opportunity structure." [Wise, pg. 102.]
40. "[I]t is often lower-income schools of color in which the least experienced teachers are placed, as those with more experience seek out teaching assignments in wealthier and whiter communities." [Wise, pg. 102.]
41. Research has found that "teachers with the most experience, highest levels of certification and best track records in terms of boosting the achievement of their students, choose to leave schools when the numbers of black students enrolled begin to increase." [Wise, pg. 102.]
42. "In California, schools where more than half the teachers lack credentials in the fields they teach, have, on average, 98 percent student of color." [Wise, pg. 103.]
43. "[N]ationally, in schools serving mostly people of color, students have less than a fifty-fifty chance of ending up with a math or science teacher with a degree in the field, or who is licensed to teach those subjects specifically." [Wise, pg. 103.]
44. "[N]ew teachers at mostly black and brown schools are five times more likely to be unlicensed in the field they teach than are newly hired teachers in mostly white schools." [Wise, pg. 103.]
45. "Overall, students of color are half as likely as white students to be taught by the most experienced and qualified teachers, and twice as likely to be taught by the least experienced and least qualified teachers." [Wise, pg. 103.]
46. "Children can lose several points on a standard IQ test for every year they are subjected to substandard resources, instruction and facilities." [Wise, pg. 103.]
47. "Research from Texas shows that students who start out ahead academically but are then exposed to less-qualified teachers experience a rapid drop in performance, while those who start out behind but have highly qualified instruction can catch up with those who started ahead, and even surpass them." [Wise, pg. 103.]
48. The "concentration of students of color in high-density, majority-minority and low-income schools is not only an issue for poor and working-class students and families of color...[E]ven blacks with incomes higher than those of whites are less likely to attend high-quality schools and more likely to live in low-income neighborhoods than whites are." [Wise, pg. 103-104.]
49. "According to one study in Philadelphia, African American children from affluent families typically attend schools with three times as many low-achieving poor students as affluent white children do." [Wise, pg. 104.]
50. Most schools, including colleges and universities, continue to be segregated by race and/or color.
51. Many who interpret gaps in educational achievement between white and non-Asian minority students, as measured by standardized test scores, and presume, based on the belief that equal opportunity now exists, that "continued low levels of achievement on the part of minority students must be a function of genes, culture, or a lack of effort and will." [[Linda Darling-Hammond. "Unequal Opportunity: Race and Education." Brookings. March 1, 1998. <https://www.brookings.edu/articles/unequal-opportunity-race-and-education/>.]
52. DEFENDANT United States of America's "white"-controlled educational system and institutions are inherently racist.
53. Historically, there has been a dearth of black teachers and college professors throughout the United States of America.
54. Throughout all 50 states in DEFENDANT U.S., majority of teachers, vice principals, principals, superintendents, authors of textbooks, curriculum decisionmakers, etc. are classified as "white."
55. Racial segregation throughout DEFENDANT United States of America schools, including DEFENDANT NYCDOE, has shifted from de jure to de facto.
56. The widespread existence of racially segregated schools throughout the United States of America present-day are not accidental or due to chance and demonstrates racism's malleableness and resistance to change.
57. Today's schools are shaped by decades of institutional racism and most school districts are violating Brown v. Board of Education and Title VII without any consequences or repercussions.
58. As of today, there are more than 14,000 school districts in the United States. [Donald Earl Collins. "Racism never left US schools — now it's taking worrying new forms." Al Jazeera. October 19, 2022. <https://www.aljazeera.com/amp/opinions/2022/10/19/racism-us-schools-critical-race-theory/>.]
59. More than 65 years later after Brown, our "nation's classrooms remain stubbornly segregated — by some measures, even worse than in 1954." [Id.]
60. In the 21st century, parents classified as "white" are still fighting to keep schools throughout the nation segregated by race and/or color.

II. DEFENDANT NYCDOE'S History of Anti-Black Racism:

61. The State of New York's history of educational racism mirrors that of the nation at large, with minor differences here and there.
62. In the Maclay Act in 1842, the New York State legislature established the New York City Board of Education. It gave the city an elective Board of Education empowered to build and supervise schools and distribute the education fund. It provided that none of the money should go to the schools which taught religion. [Wikipedia.]
63. "Colored School No. 4 exclusively served the Black community on the West Side for decades until it closed in 1894. It was initially built between 1849 and 1850 on West 17th Street in Chelsea, and became a 'colored' school in 1860. It's the only relic of its kind left in the city's most densely populated borough." ["Manhattan's Last-Standing Segregated School Earns NYC Landmark Status — and a \$6M Reno." NBC New York. May 23, 2023. <https://www.nbcnewyork.com/news/local/colored-school-no-4-earns-nyc-landmark-status-what-to-know/4359572/>.]
64. "Many of the school's Black leaders, teachers and students rose to prominence in an array of fields following their time at No. 4. Among others, they include principal Sarah J.S. (Tompkins) Garnet, an ardent suffragist and social justice champion who became one of the city's first Black female public school principals." [Id.]
65. "A former student, Susan Elizabeth Frazier, challenged city edicts requiring Black educators to teach only in segregated schools. She went on to become the first Black teacher assigned to an integrated public school." [Id.]
66. "With the Supreme Court's decision in Brown v. Board of Education, black parents and civil rights activists thought desegregation would finally come to the city's separate and unequal schools. But city leaders, many white New Yorkers and the city's newspapers repeatedly demurred. Schools superintendent William Jansen directly instructed his staff to refer to New York City's segregated schools as 'separate' or 'racially imbalanced': 'The use of the word "segregation" in releases is always unfortunate.'" [Purnell.]
67. In 1962, "more than 10,000 white mothers marched over the Brooklyn Bridge to protest a very modest school desegregation program." [Purnell.]
68. "After a decade of meetings, rallies and black parent organizing, on Feb. 3, 1964, over 460,000 students and teachers stayed out of school to protest the lack of a comprehensive desegregation plan for New York City schools — the largest civil rights demonstration of the era, far outstripping the March on Washington." [Purnell.]
69. DEFENDANT City of New York "bowed to white parents' pressure not to desegregate." [Purnell.]
70. "[O]pposition to civil rights activism was fierce in New York." [Purnell.]
71. Beginning in the late 1960s, schools were grouped into districts.
72. In New York City, elementary and middle schools were "grouped into 32 community school districts, and high schools were grouped into five geographically larger districts. One each for Manhattan, the Bronx, Queens, one for most of Brooklyn, and one, BASIS, for the rest of Brooklyn and all of Staten Island. In addition, there were several special districts for alternative schools and schools serving severely disabled students." [Wikipedia.]
73. "In 1969, on the heels of additional protests, strikes, and demands for community control, New York City Mayor John Lindsay relinquished mayoral control of schools, and organized the city school system into the Board of Education (made up of seven members appointed by borough presidents and the mayor) and 32 community school boards (whose members were elected). Elementary and middle schools were controlled by the community boards while high schools were controlled by the Board of Education." [Wikipedia.]
74. In 2002, the city's school system was reorganized by chapter 91 of the Laws of 2002.
75. "Control of the school system was given to the mayor, who began reorganization and reform efforts. The powers of the community school boards were diminished and the Board of Education was renamed the Panel for Educational Policy, a twelve-member body of which seven members are appointed by the mayor and five by Borough Presidents." [Wikipedia.]
76. "Although that legislation itself made no specific reference to a 'Department of Education of the City of New York', the bylaws subsequently adopted by the Board provided that the 13-member body "shall be known as the Panel for Educational Policy", which together with the Chancellor and other school employees was designated as the 'Department of Education of the City of New York'." [Wikipedia.]
77. In 2003, the districts were grouped into ten regions, each encompassing several elementary and middle school districts, and part of a high school district.
78. In 2005, several schools joined the Autonomous Zone (later Empowerment Zone) and were allowed to use part of their budgets to directly purchase support services. These schools were released from their regions.
79. Since 2009, the NYS Assembly has passed incremental laws keeping NYC Mayoral control over DEFENDANT NYCDOE. [Wikipedia.]
80. New York City is one of ten major U.S. cities in which the educational system is under the control of the mayor rather than an elected school board.
81. DEFENDANT NYCDOE is the largest public school district in the country with over one million students and 75,000 teachers in 1,800 schools. [NYCDOE.]
82. "There are 1,876 schools within the DOE as of Fall 2020, including 268 charter schools." [NYCDOE.]

83. According to DEFENDANT NYCDOE's website, as of 2020, there were "1,094,138 students in the NYC school system, the largest school district in the United States. Of those students: 40.8 percent Hispanic, 24.7 percent black, 16.5 percent Asian, 14.8 percent white and 138,648 are in charter schools." [NYCDOE. <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance>.]
84. Of those students: "13.3 percent of students are English Language Learners, 20.8 percent are students with disabilities and 73.0 percent are economically disadvantaged." [NYCDOE.]
85. In 2022-23, there were 1,047,895 students in the NYC school system and of those students, 41.1 percent Hispanic, 23.7 percent black, 16.5 percent Asian and 14.7 percent white. [NYCDOE.]
86. Of those same students mentioned in paragraph 85, 14.1 percent of students were English Language Learners, 20.9 percent were students with disabilities and 72.8 percent were economically disadvantaged.
87. On January 1, 2022, New York City mayor Eric Adams appointed David Banks to become Chancellor of DEFENDANT NYCDOE.
88. Banks is an African American male.
89. For the 2023-2024 school year, DEFENDANT NYCDOE's total budget is \$37.5 billion. [NYCDOE.]
90. 53% is provided by New York City, 37% is provided by NY State and 10% is provided by the "federal government and other sources." [NYCDOE.]
91. For the 2023 fiscal year, DEFENDANT NYCDOE is projected to spend \$31,44 dollars per student.

a. On-Going Systemic Disparate Treatment Against Black [Male] Teachers:

92. As of January 2024, starting salaries for DEFENDANT NYCDOE teachers range from \$64,789 (bachelor's degree, no prior teaching experience) to \$89,085 (master's degree, 8 years teaching experience, potentially additional coursework). [NYCDOE.]
93. Substitute teachers are per diem and as of the 2023-2024 school year, earn \$211.41 per day.
94. While more than 75% percent of DEFENDANT NYCDOE's students are of color, "only 40 percent of teachers are of color." ["A Qualitative Evaluation of the Early Implementation of and Current Participants' Experiences with the NYC Men Teach Program." Westat. April 2019. <https://www1.nyc.gov/assets/opportunity/pdf/evidence/nyc-men-teach-rpt-2019.pdf>.]
95. DEFENDANT NYCDOE, like other business, masks diversity under "people of color" while still excluding African Americans in significant numbers.
96. The racially disparate outcomes focused on in this complaint (e.g. dearth of black (male) teachers and racially segregated schools) are a direct consequence of slavery, Jim Crow semi-slavery and on-going systemic racism.
97. Like most U.S. businesses, DEFENDANT NYCDOE's employment policy manual and website contains generic language that says it does not discriminate.
98. Article 2 of the Teacher's Collective Bargaining Agreement between the UFT and DEFENDANT NYCDOE, which is titled "Fair Practices." It states, in part: "The Board agrees to continue its policy of not discriminating against any employee on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, handicapping condition, age or membership or participation in, or association with the activities of, any employee organization."
99. African Americans have been employed in prominent positions such as Supreme Court justices, POTUS, CEOs, doctors, etc., thus it cannot be argued that there are not enough qualified African Americans in the job market to be teachers, principals and administrators.
100. Any excuse proffered by DEFENDANT NYCDOE in 2023 for "freezing" its racially segregated workforce is a pretext for racism.
101. "There is an obligation for policymakers and school administrators to examine and implement sustainable initiatives aimed at creating inclusive, equitable and supportive school environments." [Kimberly Underwood. EdSurge. August 28, 2019.]
102. Men make up a relatively small proportion of DEFENDANT NYCDOE's teacher workforce (around 23% in 2015-2016), and men of color represent an even smaller share." [Merrill.]
103. Between the 2003-2004 and 2015-2016 school years, the "proportion of male teachers in the City's workforce actually fell a little. But the percentage of these male teachers who are not White remained steady at around 39%." [Merrill.]
104. Between the 2003-2004 and 2015-2016 school years, "[m]ale teachers of color accounted for 9.8% of the City's entire teacher workforce in 2003-2004, falling slightly to 9.2% in 2015-2016." [L. Merrill and D. Kang. "How Many Male Teachers of Color Work in NYC?" The Research Alliance for New York City Schools. NYU Steinhardt. 2017.] **See Exhibit B.**
105. In 2015-2016, "there were about 6,800 male teachers of color in NYC, out of a total workforce of more than 74,000." [Merrill.]
106. "The number of Black male teachers in the system [fell] from almost 3,600 in 2003-2004 to around 2,750 in 2015-2016. Their share of the City's entire teacher workforce dropped 1 percentage point, from 4.7% to 3.7%." [Merrill.]
107. "The number of Latino male teachers has remained almost constant, hovering at around 2,400. They make up around 3% of the City's total teacher workforce." [Merrill.]
108. "The number of Asian male teachers has also remained steady, at around 1.5% of the total teacher workforce (just under 1,200 in 2015-2016)." [Merrill.]
109. "For comparison, in 2015-2016, 13.2% of the City's students were Black males, 19.7% Latino males, 7.4% Asian males, and 10.5% White males." [Merrill.]

110. As of 2023, "[o]nly 19% of educators in New York City's public schools are Black—and only 4% of the city's educators are Black men." [Amaya McDonald. "Why are so few Black men teachers in New York City?" Chalkbeat. March 8, 2023. <https://www.chalkbeat.org/newyork/2023/3/8/23610873/black-men-teachers-male-new-york-city-schools/>.]
111. According to the U.S. Census Bureau published in April 2023, the racial makeup of New York City is as follows: Whites (non-Hispanic) represented 31.2%, Blacks 23.1%, Hispanics 29% and Asians 14.5% and Native Americans/Alaska Native 0.6%.
112. On DEFENDANT NYCDOE's website, on the page titled "Non-Discrimination Policy," it states: "It is the policy of the New York City Department of Education (DOE) to provide equal employment opportunities in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender (including actual or perceived gender identity, gender expression, pregnancy/conditions related to pregnancy or childbirth), military status, unemployment status, prior record of arrest or conviction, caregiver status, consumer credit history, predisposing genetic characteristics, salary history, sexual and reproductive health decisions, or status as a victim of domestic violence, sexual offenses, or stalking, and to maintain an environment free of harassment on any of the above protected classifications, including sexual harassment and retaliation."
113. The Teacher's and Substitute Teachers Agreements between DEFENDANT NYCDOE and United Federation of Teachers – the union of DEFENDANT NYCDOE employees – also contain anti-discrimination language.
114. Had racial discrimination not be taking place in the present, there would be less "white" teachers employed and more African American teachers employed throughout school districts in the United States of America, including DEFENDANT NYCDOE.
115. If DEFENDANT NYCDOE weren't maintaining racially discriminatory employment practices, policies and procedures, there would be at least one African American male and female teacher employed at each of its approximately 1,900 schools.

b. DEFENDANT NYCDOE's Employment Practices, Policies and Procedures That Cause a Disparate Impact Against Qualified African Americans:

116. Under the theory of disparate impact formulated in *Griggs v. Duke Power Co.*, 401 U. S. 424 (1971), the Supreme Court ruled that an employer can be found liable of violating our nation's antidiscrimination laws even if discrimination isn't intentional.
117. "Disparate impact is a legal theory of discrimination liability that holds employers, housing authorities, and other entities accountable for practices that have discriminatory effects on groups protected under anti-discrimination laws, even when there is no intent to discriminate." ["Disparate Impact." Ballotpedia. https://ballotpedia.org/Disparate_impact.]
118. Following approximately eleven years of narrowed construction of our nation's antidiscrimination laws by a large number of "ideologically conservative," "white" male federal judges appointed by Ronald Reagan, the Civil Rights Act of 1964 was amended in 1991, in large part, to strengthen disparate impact theory.
119. Pursuant to 42 U.S.C. § 2000e-2(k)(1)(A), an employer can also be found guilty of violating the Civil Rights Act of 1964 if: (i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or (ii) the complaining party makes the demonstration described in subparagraph (C) with respect to an alternative employment practice and the respondent refuses to adopt such alternative employment practice.

i. License Requirement for Teachers:

120. To become a teacher, generally, that individual must be licensed by the state.
121. Historically, "white interest groups used occupational licensing laws to stifle black economic progress." [David E. Bernstein. Licensing Laws: A Historical Example of the Use Of Government Regulatory Power Against African-Americans. https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1203&context=sdlr&fbclid=IwAR1Am6fpbkZqzKBMTWmTHZ467znfXFnHm8b0DMomxn9Q_U00nRuL3cNuUM.]
122. "While generally not Jim Crow laws per se, the laws were used both in the South and the North to prevent blacks from competing with established white skilled workers." [Bernstein.]
123. "The pursuit of the public interest, however, was seldom the sole motivation behind the passage of licensing statutes. States and municipalities frequently passed licensing laws at the behest of the organized members of the licensed profession in order to grant them a state-sponsored monopoly at the expense of those who could not get the license." [Bernstein.]
124. "Organized groups of workers controlled the licensing process through their unions or professional societies. Those groups usually excluded blacks, and they used the licensing statutes to prevent blacks from gaining licenses in professions in which they were once numerous - particularly, though far from exclusively, in the South - and to prevent blacks from getting a toehold in other fields." [Bernstein.]
125. "As schools became more and more essential to the post-industrial economy and the promotion of human rights for all, teaching became more and more regulated. By the end of the twentieth century, licensing requirements had stiffened considerably in public

- education, and salary and advancement often depended on the earning of advanced degrees and professional development in school-based settings." [Patterson.]
126. Today, "all programs in colleges and universities that prepare teachers must follow extensive and detailed guidelines established by the New York State Education Department that determine what must be included in such programs." [Patterson.]
 127. "There's an extensive history of states using licensure exams, sometimes intentionally, to keep Black educators out of classrooms following *Brown v. Board*." [Emma Green. "The \$1.8-Billion Lawsuit Over a Teacher Test." *The New Yorker*. October 31, 2023. <https://www.newyorker.com/news/annals-of-education/the-teachers-who-oppose-tests>.]
 128. "In the seventies, as Southern states reluctantly desegregated their schools, Black teachers and the National Education Association, a teachers' union, believed that state officials deliberately used the N.T.E. to make it less likely that Black teachers would obtain certification." [Green.]
 129. "This was primarily achieved through cutoff scores — the score someone needed to get on the test in order to pass, which was determined by state officials and varied from place to place." [Green.]
 130. "According to research by Leslie Fenwick, a professor of education policy at Howard, these scores have often been set slightly above the average pass rate for Black test-takers." [Green.]
 131. In a quote from a 1970 report, the program director for the N.T.E. warned, 'You can build the best test available . . . but if there's malice in somebody's heart, it can be used to eliminate Blacks.'" [Green.]
 132. "In the eighties, Black teachers successfully sued the state of Alabama for using teacher-certification tests that were culturally biased and had an adverse effect on racial minorities." [Green.]
 133. "In a report she authored, Fenwick described the introduction in the nineties of the Praxis I, now called the Praxis Core—a broad-based skills test required in some states, often for college students interested in becoming teachers—as a disaster for her education department at a historically Black college in Atlanta." [Green.]
 134. "Suddenly, instead of bustling hallways, the department struggled to recruit teacher candidates. Black students had lower pass rates on the Praxis I than white students, and failing this test meant that they were cut off from trying to become teachers before they had even started. The test shrunk the whole Black-teacher pipeline." [Green.]

[Gulino v. The Board of Education of the City of New York, et al.]

135. In 1991, "a new law went into effect that meant [teachers in New York] had to pass yet another test: the National Teacher Examination, or N.T.E. The N.T.E., which had been administered in other states for decades, was adopted by New York after several task forces concluded that low standards for teachers were hurting student performance, and called for greater knowledge of the liberal arts among educators." [Green.]
136. "The exam covered basic knowledge of social studies, science, math, literature, and writing. New York City teachers—even those who had already been tenured and previously licensed—needed to pass in order to keep their full-time jobs with seniority and benefits." [Green.]
137. "In 1993, the state began phasing out the N.T.E. and introduced an alternative exam, the Liberal Arts and Science Test, or last[.]" [Green.]
138. Teachers began organizing and gave themselves the name: the Committee for a Fair Licensing Procedure.
139. One of the group's members Peter Wilds-Bethea "felt consumed by these tests. He wrote to the heads of licensing for New York City and State, asking for an exemption for previously full-time, tenured teachers, but got no response. To him, it seemed unfair to make full-time teachers prove themselves in this way—and to watch the ones who failed get demoted and lose pay, which is what eventually happened to him. And then there was the personal humiliation of it: 'your feelings of being incompetent,' he said. His colleagues 'wanted to be educators. And they've been tarnished and labelled. It's not good for your self-esteem.'" [Green.]
140. "The committee members were predominantly Black, although not exclusively: a few Latino educators joined, along with a substantial minority of white Russian immigrants." [Green.]
141. "A presentation by Bob Schaeffer, from the advocacy organization FairTest, confirmed the committee's perception that the test was racially biased. From 1993 through 1994, an average of eighty-four per cent of white test-takers passed the N.T.E., compared with forty-four per cent of Black test-takers, and forty per cent of Latino test-takers. From March, 1993, to June, 1995, the average pass rate for the last was ninety-three per cent for white test-takers, compared with fifty-three per cent and fifty per cent for Black and Latino test-takers, respectively." [Green.]
142. "After consulting a civil-rights attorney, the committee voted to sue New York City and State for violating Title VII, the legal provision that prohibits race-based discrimination in the workplace, along with other provisions." [Green.]
143. In *Gulino v. The Board of Education of the City of New York and the New York State Education Department*, three teachers filed the lawsuit in 1996 against the city and state education departments claiming that the mandated certification tests — the National Teacher Examination (NTE) and its successor the Liberal Arts & Sciences Test (LAST) — had a "disparate impact on African-American and Latino test takers." [Sophia Chang. "City Faces Largest-Ever Lawsuit Payout To NYC Teachers Affected By

- "Discriminatory" Certification Tests." The Gothamist. November 19 2021. <https://gothamist.com/news/city-pay-largest-ever-settlement-nyc-teachers-affected-discriminatory-certification-tests>.]
144. "The court found that Black and Latino teachers clearly passed these tests at lower rates than white teachers. In order to prove that this wasn't illegal, the defendants had to show that the test actually demonstrated what it promised: that teachers who did well on the test would do better in their jobs." [Green.]
145. Many of the questions asked on the two tests were not job-related.
146. In "the available sections of the transcript, the prosecution's expert witness, Frank Landy, a professor of industrial psychology at Penn State, did discuss a few N.T.E. questions that he found particularly problematic. One apparently asked test-takers to look at a performance stage and speculate about why its designer had created it in such an "unadorned" way. Another concerned the splitting of the hemispheres of the brain, which Landy said would require a sophisticated understanding of "neurophysiology and neuroanatomy" and had "multiple correct answers." Some test-takers were presented with a picture of the cadet chapel of the Air Force Academy in Colorado Springs and asked about its aesthetic purpose. Landy visited the Academy's Web site looking for an answer, and found that none of the multiple-choice options listed on the test matched the explanation the Academy gave." [Green.]
147. "During the trial, Landy argued that people's experiences and knowledge are always shaped by race. 'If I grew up in New York, would I go to MOMA and the Metropolitan Opera and the Metropolitan Museum and listen to NPR?' he said. 'I'm a 60-year-old Irish Catholic. I look at things a particular way, whether I want to or not.'" [Green.]
148. "In a conversation with [writer Emma Greene], Joshua Sohn, the lead attorney for the plaintiffs, recalled that on the last, teachers were asked to explain the meaning of Andy Warhol's famous soup-can paintings." [Green.]
149. As Sohn stated: "The further away the test gets from evaluating basic skills — reading, writing, math — the more likely it is to have some type of difference performance by group. It necessarily tests culture." [Green.]
150. Dan Goldhaber, "a professor at the University of Washington whom another scholar described as 'the doyen' of researchers in this area," stated: "I don't think it's surprising that we see a disparate impact on test performance. There is inequality in society. And one of the ways that manifests is with different educational outcomes." [Green.]
151. "Heather Peske, the president of the National Council on Teacher Quality (N.C.T.Q.), pointed out that disparate pass rates may reflect the racial inequalities of K-12 schooling — all aspiring teachers were once students themselves, and lots of evidence suggests that racial and ethnic minorities aren't doing as well in American schools as white students." [Green.]
152. "According to the N.C.T.Q., most teacher-training programs don't even require applicants to have a G.P.A. of 3.0 or above, the equivalent of a B average. Once aspiring teachers enter their programs, they don't necessarily learn what they need to prepare students: only a quarter of elementary-school teacher-training programs address all the components of scientifically based reading instruction, and another quarter don't teach scientifically based reading methods at all. Graduate programs for elementary-school teachers often emphasize math pedagogy over math content, even though many teachers feel unprepared to instruct students in basic concepts. Many programs don't give teachers in training enough opportunities for clinical practice in classrooms. And teacher-training programs are overwhelmingly whiter than the campuses where they're housed." [Green.]
153. "A district-court judge, Constance Baker Motley—a Black woman and famous civil-rights lawyer who worked with Thurgood Marshall on Brown v. Board—initially found in favor of New York, concluding that the N.T.E. and the last were sufficiently job-related to justify their use. But the Second Circuit vacated part of that decision and dropped New York State as a defendant." [Green.]
154. "Another district-court judge, Kimba Wood, subsequently found that the city had violated Title VII because the last was not properly validated, or proven to show what it said it showed. In 2021, the city agreed to a schedule of payments." [Green.]
155. As reported by Gothamist writer Sophia Chang on November 19 2020 she states: "A massive decades-long lawsuit against New York City over the use of two teaching certification tests is winding to a conclusion with nearly \$660 million and pension benefits in damages awarded to plaintiffs in the class action lawsuit claiming the tests were discriminatory against Black and Latino teachers and prevented them from achieving full seniority pay and benefits. The city could be further liable for hundreds of millions of dollars more in damages yet to be determined with an estimated maximum payout of about \$1.8 billion for the 4700 plaintiffs in the...class action suit — in what city officials say is the highest amount of damages that New York City has ever paid." [Sophia Chang. "City Faces Largest-Ever Lawsuit Payout To NYC Teachers Affected By "Discriminatory" Certification Tests." The Gothamist. November 19 2021. <https://gothamist.com/news/city-pay-largest-ever-settlement-nyc-teachers-affected-discriminatory-certification-tests>.]
156. On July 5, 2023, it was reported by the New York Post that "[r]oughly 5,200 black and Hispanic ex-Big Apple teachers and once-aspiring educators are expected to collect more than \$1.8 billion in judgments after the city stopped fighting a nearly three-decade federal discrimination lawsuit that found a certification exam was biased." [Rich Calder, Susan Edelman and Deirdre Bardolf. "Black, Hispanic NYers who failed teacher's test strike \$1.8B in NYC settlement." New York Post. July 15, 2023. <https://nypost.com/2023/07/15/nyc-bias-suit-black-hispanic-teachers-and-ex-teachers-rich/>.]

[Additional Exams]

157. "Many states, including New York, also require certain teachers to pass subject-area exams." [Green.]

158. "In 2014, New York began requiring teacher candidates to take the edT.P.A., an extensive assessment that focusses on their performance in the classroom, drawing on sample lesson plans and materials, written narratives about their experiences, and video samples of their teaching." [Green.]
159. "A few years later, the state lowered the passing score for the test; Black test-takers were nearly twice as likely to fail the edT.P.A. as white or Hispanic test-takers, according to an analysis done by Chalkbeat." [Green.]
160. In 2022, DEFENDANT State of New York "got rid of the edT.P.A altogether." [Green.]
161. "New York State United Teachers, a federation of unions that represents a huge number of teachers in the state, hailed the move, citing reports from students and educators who "said completing the edT.P.A. was so consuming and stressful that it ruined the student teaching experience." [Green.]
162. "Teacher candidates in New York no longer have to take a broad-based knowledge or practical exam; starting...fall [of 2023], their preparation programs will be primarily responsible for evaluating whether they're ready to be in a classroom." [Green.]
163. "New York has cycled through at least four licensure exams since the late nineteen-eighties, always eventually dropping them." [Green.]
164. No clear proof exists "that any of these changes have actually improved students' education." [Green.]
165. "In recent years, thousands of teachers who failed the LAST have received compensation for damages." [Green.]

[Alternative, Less Racially Discriminatory Pathways to Becoming a Teacher]

166. "Those who become teachers often face difficulties with teacher preparation programs that frequently become barriers to teacher certification. In addition, they face challenges with standardized testing, instances of racism, marginalization and isolation, all of which often have serious implications." [Kimberly Underwood. EdSurge. August 28, 2019.]
167. Alternative, less racially discriminatory pathways to becoming a teacher exist, but they are not heavily advertised to the public.
168. Programs like Teach for America and DEFENDANT NYCDOE's Men Teach program support that one shouldn't have to be licensed in order to teach.
169. Beginning in 2000, to combat the teacher shortage, DEFENDANT NYCDOE "instituted a number of innovative programs for teacher recruitment, including the New York City Teaching Fellows, the TOP Scholars Program, and initiatives to bring foreign teachers (primarily from Eastern Europe) to teach in the city's schools." [Wikipedia.]
170. For a minimum of seven years, DEFENDANT NYCDOE has been aware that its schools employ a dearth of qualified African American teachers and administrators, particularly African American males.
171. "Announced in 2015 by Mayor de Blasio, NYC Men Teach was launched by the NYC Young Men's Initiative (YMI) with support from the Mayor's Office for Economic Opportunity (NYC Opportunity), and is implemented in partnership between the New York City Department of Education (DOE) and the City University of New York (CUNY)."
172. According to the program's official website: "The NYC Men Teach initiative was created to inspire more men of color to become teachers in New York City through engagement and recruitment efforts. NYC Men Teach is the nation's boldest effort to diversify the teaching pipeline by recruiting and retaining 1,000 additional men of color to teach in NYC schools, where currently less than 8% of the teachers are men of color (less than 2% nationally)." ["NYC Men Teach." New York City's My Brother's Keeper. <https://nycmbk.org/nyc-men-teach/>.]
173. It also states: "A collaboration with NYC Department of Education, Mayor Bill de Blasio's Young Men's Initiative, and the City University of New York, the NYC Men Teach program seeks to impact people, practice, and policy around diversity in our schools and classrooms." ["NYC Men Teach.]"
174. According to DEFENDANT NYCDOE, the program "engages and recruits men of color to become teachers in New York City by providing early career support, professional development, mentoring, and networking services."
175. DEFENDANT NYCDOE stated that it anticipated that there would "be an additional 1,000 men of color in our teacher pipeline."
176. On DEFENDANT City of New York's website, as of March 1, 2024, it states: "Whether a CUNY student or a career shifter, this program will help you find a pathway to teaching that is right for you." [NYC My City. June 15, 2023. <https://jobs.nyc.gov/programs/nyc-men-teach/>.]
177. To apply, all one has to do is have a Bachelor's degree or be a CUNY student.
178. Other schools, like charter and private schools, do not strictly rely on licenses to hire teachers.
179. Most new textbooks contain completed lesson plans, making subject matter mastery less important.
180. In 2015, New York City launched "NYC Men Teach," an initiative aiming to "put an additional 1,000 men of color on course to become NYC public school teachers over the next three years." [L. Merrill and D. Kang. "How Many Male Teachers of Color Work in NYC?" The Research Alliance for New York City Schools. NYU Steinhardt. 2017.]
181. "The initiative [came] in response to a growing body of evidence suggesting that it is important for students of color to have access to educators of color." [Merrill.]
182. DEFENDANT NYCDOE refuses to publicly release racial demographic data to show how many African American male teachers are being hired each year.

ii. Requirements for Substitute Teachers:

- 183. For an individual to be hired as a substitute teacher by DEFENDANT NYCDOE, one has to receive a letter of recommendation from a principal.
- 184. While most of DEFENDANT NYCDOE's teachers are "white," majority of DEFENDANT NYCDOE's substitute teachers are of color.
- 185. DEFENDANT NYCDOE also requires its substitute teachers who work more than forty (40) days during a school year to acquire 6 graduate level credits in education each year (up to 30 credits).
- 186. Substitute teachers must pay for these continuing education courses out of pocket.
- 187. After the substitute teacher receives 30 credits, absolutely nothing happens.

iii. Subjective Decision-Making Tainted with Racial Bias

- 188. In the same way that black students are disciplined more than white students, black teachers are disciplined more harshly than their "white"-counterparts, often times, for having done absolutely nothing wrong.
- 189. While disciplinary measures against children have lessened, DEFENDANT NYCDOE's questionable and ineffective disciplinary procedures against teachers remain intact.
- 190. "The charging process under mayoral control allows anyone, including parents, other employees and principals, to make accusations against an educator. But no tenured educator can be fired without a hearing, called 3020-a arbitration in state law." [Betsy Combier. "NYC promised to ban teacher 'rubber rooms' — they went underground instead." New York Post. August 15, 2020. <https://nypost.com/2020/08/15/nyc-pledged-to-ban-teacher-rubber-rooms-they-went-underground-instead/>.]
- 191. It has gotten to a point where a student who refuse to do any work in class and repeatedly disrupt a teacher while trying to teach, can claim that the teacher is engaging in "verbal abuse" for "humiliating"/"embarrassing" the student if they have to raise their voice to prevent further disruption in the classroom.
- 192. Instead of the student being written up, parents can file complaints against the teacher without having a conversation with the teacher about the incident and investigation is conducted by DEFENDANT NYCDOE.
- 193. "The most outrageous part of this hoax is that there is no accountability and no consequences for making false accusations or abusing the process." [Combier.]
- 194. In one study, researchers analyzed more than 5,500 teacher evaluations in Chicago and "found that the race gap was largely a reflection of 'differences in the school and classroom settings in which teachers teach, rather than real differences in teacher performance.'" [Terada, "Why Black Teachers Walk Away."]
- 195. The evidence obtained from research on personal bias is clear: "Notwithstanding protestations to the contrary, on-going racial bias is all too common among large numbers of white Americans." [Tim Wise. Colorblind. pg. 77.]
- 196. "[T]he evidence suggests a deep-seated and negative color-consciousness among large numbers of white Americans." [Wise, pg. 77.]
- 197. "This negative color-consciousness manifests both at the level of personal bias, or prejudice, and with institutional mistreatment, in the form of discrimination." [Wise, pg. 77.]
- 198. "Although most whites have internalized the sense that overt expressions of racial hostility are inappropriate in mixed company, even blatantly hostile remarks and comments are quite frequent in all-white settings." [Wise, pg. 77-78.]
- 199. "One study, involving 626 white students at more than two dozen colleges, found that when asked to keep journals documenting any racially insensitive or racist comments, jokes, incidents or actions on the part of their white friends, participants in the study were able to document more than 7,500 blatantly racist events or incidents in a six-to-ten week period, or roughly a dozen instances each week witnessed by each white person in the study." [Wise, pg. 78.]
- 200. "Multiplied by millions of whites in colleges, or more broadly, by 200 million whites nationwide, one begins to see the possible magnitude of even blatant white racism in the early twenty-first century." [Wise, pg. 78.]
- 201. "According to readily available survey data, about six to ten whites are willing to admit to believing at least one racist stereotype about blacks to be true: from a belief that blacks are generally less intelligent to beliefs that blacks are naturally more aggressive, lazier, and would rather live on welfare than work for a living." [Wise, pg. 78.]
- 202. "Although many whites refuse to admit that they harbor racial prejudices, there is often a substantial difference between stated beliefs and deeper opinion." [Wise, pg. 78.]
- 203. In "one study of whites at three selective universities found that when asked a simple question about their support for, or opposition to, interracial marriage, 80 percent expressed support. But once subjected to the in-depth interviews, less than half of those who claimed to be supportive of such unions stuck with that position, while the rest modified their support substantially, revealing in the process significant reservations they continued to have about interracial relationships." [Wise, pg. 78.]
- 204. "White racism is so entrenched...that as many as one in four whites say the ideal neighborhood would have no blacks at all." (emphasis in original) [Wise, pg. 79.]

205. "While some may seek to chalk up such answers to class bias rather than racial animus (or perhaps a more benign tendency to prefer living around people with whom you share a common cultural background), research has found that anti-black stereotypes are four times more important than class-based prejudices in explaining why these whites prefer black-free neighborhoods." [Wise, pg. 79.]
206. "In part, white biases against people of color stem from media coverage that over-represents blacks in pathological and deviant roles, from criminals to the long-term welfare-dependent under-class." [Wise, pg. 80.]
207. "[A]s much as one-fourth of all stereotypical belief[s] about blacks can be explained solely by levels of news viewing, independent of...other factors." [Wise, pg. 80.]
208. "[M]edia exposure can help explain why 95 percent of whites say they picture a black person when asked to envision a typical drug user, even though data indicates that blacks are only about 13 to 14 percent of users, while non-Hispanic whites represent the clear majority — typically over 70 percent — of all drug users." [Wise, pg. 80-81.]
209. Not all racial bias is blatant.
210. "[M]uch of the research in recent years indicating the persistence of white racial biases has been in the area of implicit, often subconscious prejudice, which, however subtle, can still contribute to unequal treatment of people of color in given situations." [Wise, pg. 81.]
211. "Implicit Association Tests (IATs), which have been administered to hundreds of thousands of people in recent years, indicate that the vast majority of whites hold implicit biases in favor of whites and against African Americans." [Wise, pg. 81.]
212. According to the research, "When given a test of unconscious stereotyping, nearly ninety percent of whites who have taken the test implicitly associate the faces of black Americans with negative words and traits such as evil character or failure...In addition, when whites are shown photos of black faces, even for only thirty milliseconds, key areas of their brains that are designed to respond to perceived threats light up automatically." [Joe Feagin. Systemic Racism. pg. 26. 2006.]
213. "The results from hundreds of thousands of IATs that have been administered suggest that [implicit bias in favor of one's own group and against others] stem from fairly intense social conditioning." [Wise, pg. 82-83.]
214. "Thus, whites, Latinos, and Asians all show similar levels of pro-white and anti-black biases, and blacks, far from demonstrating significant pro-black and anti-white bias, are roughly split between those who have implicit pro-black bias, no apparent bias whatsoever and even implicit pro-white bias." (emphasis in original) [Wise, pg. 83.]
215. "[S]tudies have found a clear divide between the claims people make about their own biases and the reality of their internalized stereotypes." [Wise, pg. 83.]
216. "[O]ne study of more than 45,000 people sought to explore the extent to which respondents held implicit biases against indigenous people in the United States. Although most claimed outwardly that they perceive Native Americans as actually being 'more American' than whites, IATs discovered that these same individuals most often associated white faces with the concept of being 'American,' and were far more likely to do so than to view Native American faces that way." [Wise, pg. 83.]
217. "Other research has found a similar split between the non-racist persona that people carry around with them publicly, and the private biases they continue to hold inside." [Wise, pg. 83.]
218. One study "found that even as children, whites view blacks as more aggressive than other whites engaged in the very same behavior, and another found that white preschoolers, when looking at pictures of faces that are racially ambiguous and expressing anger, are more likely to classify those faces as black, whereas there is no tendency to over-classify racially ambiguous faces as black when they are smiling." [Wise, pg. 83.]
219. "More recently, in 'shoot or hold fire' simulations, in which blacks and whites are shown engaged in a variety of ambiguous activities, participants are quicker to shoot unarmed blacks and to hold fire on whites, even when the latter are armed and dangerous." [Wise, pg. 84.]
220. "Studies have found that whites often fabricate memories of events in ways that fit common racial stereotypes." [Wise, pg. 84.]
221. "[I]n one study, participants were given details of an assault case as if they were the role of jurors. Asked to remember the case details later, participants overwhelmingly misremembered aggressive conduct by blacks in the stories, even when such conduct did not occur, and they were far less likely to remember aggressive conduct by whites, even when, in the narratives given to them, it did occur." (emphasis in original) [Wise, pg. 84-85.]
222. "In another case, participants were shown news stories about crime in which the color of the shown perpetrator was digitally manipulated. By large margins, respondents were more likely to remember the race of the perpetrator when he was black, and often even misremembered the perpetrator as black when he was not." [Wise, pg. 85.]
223. "In one particular study, even when the person committing a crime was not shown and his race was not mentioned in the newscast, 42 percent of participants in the study remembered seeing a perpetrator, and of these, two-thirds 'remembered' the offender as black." [Wise, pg. 85.]
224. "An additional study found that when shown mug shots of blacks, as opposed to whites, respondents were far more likely to presume guilt, even when the available facts in evidence were the same." [Wise, pg. 85.]
225. "As social psychologists John Bargh and James Uleman, among others, have demonstrated, merely encountering a member of a stereotyped group primes the trait constructs associated with, and in a sense, constituting the stereotype. Once activated, these

- constructs can function as implicit expectancies, spontaneously shaping the perceiver's perception, characterization, memory and judgment of the stereotyped target." [Lindon Hamilton Krieger and Susan Fiske. "Behavioral Realism in Employment Discrimination Law. California Law Review. 94:997 (2006).]
226. "Many whites evade racism as a topic, thereby allowing them to cast as racist anyone who broaches the subject." [Wise, 23.]
 227. "[M]ost whites fail to possess even the slightest awareness that [African Americans] face any different life situations at all, regardless of cause." [Wise, pg. 66.]
 228. "Recent polling has found that most whites believe blacks are just as well off as they are when it comes to jobs and income." [Wise, pg. 66, citing Mark Warren, Crossing Over the Color Line: How White Activists Embrace Racial Justice. 2010.]
 229. "According to the results of one national survey, 70 percent of whites demonstrate at least one if not several erroneous beliefs about the well-being of persons of color relative to whites, presuming a far greater degree of equity between the groups than exists in practice." [Wise, pg. 68.]
 230. "A Kaiser Family Foundation report from several years ago indicated significant ignorance about matters of basic health and well-being, and the disparities between whites and blacks in that regard. According to Kaiser, two-thirds of whites think black are every bit as well off as whites when it comes to getting routine medical care when they need it. In struth, African Americans are far more likely than whites to lack health insurance coverage, and thus have a much harder time accessing routine and quality care." [Wise, pg. 68.] 1. "[W]hite responses to an early 2009 ABC News/Washington Post poll, in which 83 percent insisted blacks have just as good a chance as whites to get a good job for which they're qualified, and 81 percent said they believe blacks receive equal treatment in housing." [Wise, 86-87.]
 231. "According to a new HuffPost/YouGov poll, 77 percent of Americans nationally say that racism is a "very serious" or "somewhat serious" problem. Twenty-one percent say it's a "not very serious" or "not at all serious" problem. But just 57 percent of Republicans say racism is at least a somewhat serious problem, compared to 93 percent of Democrats and 72 percent of independents who say the same...Fifty-two percent of white Democrats say racism is a "very serious" problem, compared to 17 percent of white Republicans and 26 percent of white independents." [Janie Velencia. "Republicans Don't Find Racism To Be As Serious Of A Problem As The Rest Of America." Huffington Post. July 2, 2015.]
 232. "A recent CNN poll that asked a similar question produced almost the same results, with Republicans 37 points less likely than Democrats to say racism poses at least a "somewhat serious" problem. The results mark the highest number of Americans to acknowledge racism as a problem that CNN has recorded since it began asking the question in 2008." [Janie Velencia. "Republicans Don't Find Racism To Be As Serious Of A Problem As The Rest Of America." Huffington Post. July 2, 2015.]
 233. "Sears of the University of California has found that even among white voters with equally conservative views on issues unrelated to race, those with more negative views about African Americans are more likely to vote Republican. He and Michael Tesler, a political scientist at the University of California, Irvine, showed that there were many racially conservative white voters who supported John Kerry and President Clinton when they were candidates, but who voted against President Obama." [Max Ehrenfreund. "Researchers have found strong evidence that racism helps the GOP win." The Washington Post. March 3, 2016. <https://www.washingtonpost.com/news/work/wp/2016/03/03/researchers-have-found-strong-evidence-that-racism-helps-the-gop-win/>.]
 234. No matter the time period, the "white" majority has been indifferent to the plight of black Americans.
 235. "[I]n the 1960s, at a time when all would now agree the United States was a profoundly unequal place, where racial discrimination was deeply systematized, most whites saw little about which to be concerned. According to Gallup polls taken in 1962 and 1963, between two-thirds and nearly 90 percent of whites said that blacks were treated equally with regard to jobs, schooling and housing opportunities." [Wise, pg. 65.]
 236. "[I]n 1963, three-fourths of whites said the civil rights movement was pushing too fast for change, and asking for 'too much.'" [Wise, pg. 65.]
 237. "This, during a year in which blacks were being hosed down in the streets of Birmingham by racist police, and blown up the 16th Street Baptist Church there, as well as a year in which Mississippi NAACP chair Medgar Evers was murdered in his driveway, and Alabama Governor George Wallace promised to maintain segregation forever." [Wise, pg. 65.]
 238. "That most whites could believe such a thing...says much about the pathological nature of white denial." [Wise, pg. 65.]
 239. A company's institutional practices, organizational structure and work culture defined along racialized lines serve as large sources for unconscious racism and implicit racial biases. [Tristin K. Green.]

c. Recent Lawsuits Filed by African American Teachers Against DEFENDANT NYCDOE:

240. On May 18, 2020, "Geoffrey S. Berman, the United States Attorney for the Southern District of New York, announced... that the United States has settled a federal civil rights lawsuit alleging that the NEW YORK CITY DEPARTMENT OF EDUCATION (the "DOE") engaged in a pattern and practice of discrimination and retaliation in violation of Title VII."

241. "Specifically, as alleged in the Government's complaint, the DOE and Superintendent Juan Mendez permitted Principal Minerva Zanca to discriminate against all three African American teachers who worked at Pan American International High School ("Pan American") and retaliate against an assistant principal who spoke out against the discrimination.
242. "In connection with the settlement agreements, which were approved by U.S. District Judge Lewis A. Kaplan, the DOE agreed to pay a total of \$1,187,500 to the four victims of DOE's discrimination and retaliation, and provide training to all DOE superintendents regarding DOE's anti-discrimination policies and procedures." ["NYC Department Of Education To Pay Over \$1.1 Million To Four Victims Of Race Discrimination And Retaliation In Connection With Suit Brought By U.S. Attorney." United States Attorney's Office: Southern District of New York. May 18, 2020. <https://www.justice.gov/usao-sdny/pr/nyc-department-education-pay-over-11-million-four-victims-race-discrimination-and>.]

III. Anti-Black Racism Against Students Post-Brown:

a. DEFENDANT NYCDOE'S Continued Violations of Brown:

243. It cannot be disputed that 70 years after the Supreme Court ruled "separate but equal" to be unconstitutional in *Brown v. Board of Education* (1954), the State of New York is one of the most racially segregated states for black and brown students.
244. "Despite its polychromatic diversity," New York City still holds to honor of being one of the most racially segregated cities in the nation and its school system is no different.
245. The City of New York is "among the most segregated school districts in the country." [Elizabeth A. Harris. "New York City Council to Look at School Segregation." New York Times. October 21, 2014. <https://www.nytimes.com/2014/10/22/nyregion/new-york-city-council-to-look-at-school-segregation.html>; See also The Editorial Board. "Confronting Segregation in New York City School." The New York Times. May 17, 2017. <https://mobile.nytimes.com/2017/05/15/opinion/school-segregation-nyc.html>. (noting that NYC "has one of most deeply segregated school systems in the nation.")]
246. When former mayor, DEFENDANT Bill De Blasio, was asked to explain NYC's deeply segregated school system, he "dodged [the question] by saying that the schools are a reflection of historical housing patterns, and, "We cannot change the basic reality of housing in New York City." [The Editorial Board. "Confronting Segregation in New York City School." The New York Times. May 17, 2017. <https://mobile.nytimes.com/2017/05/15/opinion/school-segregation-nyc.html>.]
247. As the Editorial Board of the New York Times responded, "Segregation in the city's schools cannot be dismissed as an unsolvable problem. And though housing plays a role, decades-old educational policies have reinforced inequality and placed many low-income black and brown children on the road to second-class citizenship."
248. In New York City, a large number of students commute to school via public transportation, housing discrimination cannot be the primary reason for this historically "frozen" outcome.
249. Even if DEFENDANT DeBlasio's assessment were true, by 2022, DEFENDANT NYCDOE should have relied less on racially discriminatory zoning and implemented policies to desegregate its public schools.
250. For example, PLAINTIFF Mr. Washington has taught students in Brooklyn who lived in Queens and taught students in Manhattan who commuted every day from the Bronx.

b. Trans-generational, Epigenetic Effects of Educational Racism on Black Students:

251. Educational experiences for African American students have continued to be substantially separate and unequal.

[Dangers of Vaccines and Their Adverse Impact on Black Males]

252. Many school districts throughout the nation, including DEFENDANT NYCDOE, require its students to be vaccinated against various viruses in order to attend school.
253. The number of vaccines a baby receives today is more than PLAINTIFF Mr. Washington's generation and earlier have received in their whole lives.
254. Children born between 1989 and 2003 are known as the "Thimerosal Generation" and they "received heavy doses of mercury from vaccines." [RollingStone. July 20, 2005.]
255. According to DEFENDANT CDC's recommended vaccine schedule, a child born in 1983 received 12 shots by age 18 and in 2019, that number has skyrocketed to as many as 54 shots.
256. DEFENDANT NYCDOE requires "all students" to receive the DTaP (diphtheria- tetanus-pertussis), poliovirus, MMR (measles-mumps-rubella), varicella, and hepatitis B vaccines in order to attend school. [NYCDOE.]
257. DEFENDANT NYCDOE requires students "under the age of five enrolled in child care and pre-kindergarten," to receive the Hib (Haemophilus influenza type b), PCV (pneumococcal conjugate), and influenza (flu) vaccines. [NYCDOE.]

258. Per NYC Health's website, it states: "Vaccines protect the health of your child and the other children at their school. All NYC students ages 2 months to 18 years must receive certain vaccinations. That includes children in public, private or parochial school, as well as those in day care, Head Start, pre-K or nursery school. Any child who does not meet these requirements will be sent home from school. The only children who do not require vaccination are those with medical exemptions. There are no religious exemptions for vaccination requirements in New York."
259. "As with any medication, vaccines have side effects, allergies, and unintended effects. These range from slight redness at the site of injection to low-grade fevers, paralysis, and death. The milder reactions are more common, and the more severe reactions are rare." [Franklin E. Payne, MD. "Can Vaccines Actually Cause More Harm Than Good?" <https://www.jpands.org/hacienda/article40.html>.]
260. During the first year of life, many babies experience a medical event in close proximity to vaccination.
261. A significant number of babies suffer serious, life-threatening illnesses and medical events, such as Sudden Infant Death Syndrome (SIDS), and may develop congenital conditions.
262. A wave of gruesome brain injuries and deaths followed the introduction of diphtheria, tetanus, and pertussis (DTP) vaccines in the United States and Europe in the 1970s. [Kennedy, Jr., pg. 324.]
263. "As early as 1977, a study published by British physicians and researchers in The Lancet established that the risks of the whole-cell pertussis jab (used in the DTP vaccine) exceed the risks associated with wild pertussis." [Kennedy, Jr., pg. 325.]
264. Six years later, in 1983, DEFENDANT NIH-funded UCLA study found that Wyeth's DTP vaccine was killing or causing severe brain injury, including seizures and death, in 1 in every 300 vaccinated children." [Kennedy, Jr., pg. 325.]
265. "Wyeth — now [DEFENDANT] Pfizer — claimed to be losing \$20 in downstream liability for every dollar it earned on vaccine sales due to costs of resultant lawsuits and collapse of insurance markets, and induced Congress to pass the National Childhood Vaccine Injury Act in 1986, shielding vaccine makers from liability." [Kennedy, Jr., pg. 325.]
266. Vaccines have been linked to a number of adverse health effects including autism in children, autoimmune diseases, cancer and have resulted in death.
267. Vaccines, past and present, contain a number of unnatural and harmful ingredients, including aborted fetal tissue, chopped up cancer cells, MSG, formaldehyde, glutaraldehyde, mercury, squalene, aluminum hydroxide, "African Green Monkey Kidney cells," reverse transcriptase and/or retroviruses that are known to cause cancer in animals to name a few.
268. Some vaccines may also contain pig blood, horse blood, rabbit brain, dog kidney, vesicle fluid from calf skins, rhesus monkey fetal diploid cells, bovine fetal serum, rhesus monkey fetal lung cells, bovine serum, chicken embryo, monkey kidney cells, calf serum, chick embryonic fluid, washed sheep red blood cells and mouse serum proteins.
269. Aluminum is common to many vaccines and used as an adjuvant or helper. [Dr. Shaw.]
270. Without the aluminum, the vaccine basically does not provide any long-term protection. [Dr. Shaw.]
271. "The difference between injectable aluminum versus dietary aluminum is that aluminum that you eat is excreted fairly rapidly. Injectable aluminum, however, is meant to stick around. That's precisely there in the first place, that's what an adjuvant does." [Dr. Shaw.]
272. Dr. Shaw took the "simple experiment of taking the stuff out of the vaccine — the aluminum hydroxide — and injecting it into mice's muscle to see what would happen if we tried to mimic the vaccine schedule." [Dr. Shaw.]
273. "We were quite surprised to see how rapidly the behavioral symptoms emerged. They showed not only behavioral deficits, motor function but they also showed cognitive deficits as well. Once we sacrificed the animals and started looking inside their brains and spinal columns, we found massive damage to motor neurons and so we may be creating the conditions for Parkinson's disease, Lou Gehrig's disease, Alzheimer's disease — maybe not immediately but maybe 20, 30, 40 years down the road." [Dr. Shaw.]
274. Gastroenterologist Andrew Wakefield conducted an extensive research into measles vaccine safety and MMR vaccine safety in the pre-licensing phase, before they were put onto the market and into children.
275. Wakefield wanted to know if age of exposure to the MMR vaccine was at risk for autism just as it was for meningitis.
276. In 1998, the results of Wakefield's findings were published in a 250-page report titled "The Safety of Measles Vaccine."
277. On February 28, 1998, The Lancet published a paper led by Wakefield that suggested a link between a novel type of intestinal inflammation after taking the MMR vaccine and autistic regression in previously developmentally normal children.
278. Wakefield said the vaccine safety studies for MMR in particular were "lamentable" and many problems had been "airbrushed."
279. In an interview with CNN, Bill Gates stated: "Dr. Wakefield, as has been shown, used absolutely fraudulent data. He created a fake paper [and] the journal allowed it to run. All the other studies [that] were done showed no connection whatsoever again and again and again. So it's an absolute lie that has killed thousands of kids."
280. In a letter dated January 15, 1999, Wakefield wrote a letter to Professor J Walker-Smith of the University of London's Royal Free Hospital School of Medicine. In it, he stated: "Any drug, and especially one that involves 3 live viruses, must be considered dangerous until proven otherwise....In an attempt to avert the House-of-Cards collapsing, I will strongly recommend the use of monovalent vaccines as opposed to the polyvalent vaccines."

281. A 17-year-old employee of the CDC, William Thompson called Brian Hooker, PhD and stated: "I don't know how this is all going to play out. You have a son with autism and I have great shame now when I meet families with kids with autism because I have been part of the problem."
282. Hooker's son, Steven, was born in February of 1998.
283. Two weeks after his 15 month vaccines, Steven lost all language, eye contact and if picked up, he would be limp.
284. As a scientist, Hooker had been published in more than 60 published studies in major international scientific journals, he was deeply critical of DEFENDANT CDC's studies.
285. DEFENDANT CDC decided that the scientist who would interface with Dr. Hooker at that time, was Dr. William Thompson.
286. Ten years later, Thompson reached out to Dr. Hooker and provided him with information on how to access a treasure trove of data that would help him in his research.
287. In phone conversations that were recorded unbeknownst to him, William Thompson said: "The CDC has put the research ten years behind. Because the CDC has not been transparent we've missed ten years of research because the CDC is so paralyzed right now by anything related to autism."
288. Dr. Hooker initially sought data sets from studies conducted on the mercury containing preservative known as thimerosal.
289. Thompson also wanted Dr. Hooker to view data sets on studies using the MMR vaccine, specifically a 2004 study co-written by Frank DeStefano, MD and Thompson.
290. Thompson described it as the "It was the one study where we could end up creating a mess while the CDC tried to sort out something they couldn't understand."
291. Prior to Dr. Hooker, no one had requested this data because it was a big secret that one could do it.
292. Thompson recognized a legal loophole known as a "citizen's request" that allowed Thompson to deliver to Hooker potentially classified information in a legal way.
293. Thompson's study showed that African Americans who received the MMR vaccine on time were 2.64 times more likely to autism diagnosis than those African Americans that received the MMR after three years age.
294. When Hooker looked at African American males only, the relative risk was 3.36, which equates to a 236% increased risk of developing autism.
295. When Hooker asked if race was downplayed, Thompson said, "Of course it is."
296. Dr. Hooker stated: "The CDC, the way that they do research studies is very reactionary. They look at something that's creating press and creating a buzz that could actually lower vaccination rates and that's what they study. They don't study vaccines proactively so if [researchers] had never done [their] studies and gotten it published...[they] would've never created the uproar that rightfully it should've created, then the CDC would've never studied this."
297. The analysis plan is one of the most important parts of a scientific study – it's where the laws or rules by which the scientist adheres to while doing the study. [Del Bigtree, Vaxxed.]
298. This analysis plan is put together by the scientists themselves; sometimes their superiors weigh in but once they lock that analysis plan, they say 'This is how we're going to use this data,' and you can't deviate from that analysis plan or you're at risk of fraud, scientific fraud.
299. Thompson played a major role in creating the study's analysis plan, but he was also the numbers guy. [Wakefield.]
300. By November 2001, the results were in. Thompson stated: "Now, with the MMR-autism [study], we had an analysis plan that we were supposed to execute as was written and I'm going to be sharing these draft analysis plans that we had and you can see whether we said what we're going to do."
301. In order to conceal the effect of the MMR [vaccine], what they had to do was to reduce the number of children studied in order to reduce what is referred to as the statistical power. That is the ability of the study to detect a difference if one genuinely exists. In their analysis plan, they had agreed to use two sources of information. The first was the children's school records and the second was the children's Georgia birth certificate records. So while every child in the study had a school record, only half in the study had a Georgia birth certificate because the other half had been born in other states. So that analysis plan was explicit. Information on a child's race was to come from their school record, but when confronted by data that revealed an increased risk of autism in African American children, they deviated from their analysis plan. They chose to get the race data not from the school record, but from the Georgia birth certificate record."
302. Hooker stated: "Instead of having 3,000 individuals in the study, it went down to about 1,800. The relative risk went down from 2.64 to 1.8 but more importantly, that relative risk was no longer statistically significant."
303. The CDC eventually omitted the relevant findings altogether.
304. Thompson stated: "I was looking at that like, 'Oh my God.' I cannot believe we did what we did, but we did. So, it's all there. It's all there."
305. In an October 18, 2002 e-mail from Thompson to CDC Director of NCRID Melinda Wharton, he stated: "I am writing you once more regarding the recent Department of Justice (DOJ) request for a broad range of documents associated with MMR, Thimerosal, and Autism. I first spoke with you on September 3, 202 regarding the sensitive results we have been struggling with in the MADDSP MMR/Autism Study." (emphasis added)

306. The e-mail revealed that government scientists were lawyering up over a children's safety study.
307. Later in the e-mail, Thompson wrote: "I don't think anyone has broken the law but I was extremely uncomfortable when Dr. Coleen Boyle, a coauthor on our paper, was required to testify before Congressman Dan Burton's Committee in April of 2002 regarding MMR and Autism. I became more concerned regarding legal issues surrounding the MADDSP MMR/Autism Study when individuals from the NCBDDD began to cc Beverly Dozier, an attorney, on e-mails regarding discussions we were having surrounding the provision of appropriate documents to satisfy the DOJ request. I became further concerned when I attended a meeting at the NCBDDD on October 16th at 1:00 PM to discuss the provision of documents and found out that Beverly was a NCBDDD lawyer, not a DOJ lawyer, who was providing legal advice to Dr. Coleen Boyle regarding what documents to provide. Therefore, I will be hiring my own personal attorney to make sure I am also providing all the appropriate documents for this study. It is extremely unfortunate that we need to be concerned about whether our own legal rights are covered when participating in a study such as this. My level of concern has also caused me to seriously consider removing myself as an author on the draft manuscript."
308. A few days later, Thompson wrote an e-mail to Walter Orenstein, then Director of the National Immunization Program.
309. In the October 20, 2002 e-mail, sent at 12:21 AM, Thompson stated, in part: "I am not interested in taking all the political heat that will go along with that study."
310. Thompson also stated: "The higher ups wanted to do certain things and I went along with it. In terms of chain of command, I was number four out of five."
311. In the fall of 2002, there was a meeting with a trash can rolled in and they selected documents to be destroyed.
312. Thompson stated: "I led all the analysis we did discussing those things. Literally, everyone else got rid of all of their documents, so the only documents that exist right now from that study are mine."
313. Hooker stated: "There was a dramatically different result presented before and after the timeframe Thompson alleged that these data were destroyed. If I never had the documents before October 2002, there would be nothing that would show that they actually had the results in hand and they decided to destroy those results."
314. Thompson's colleagues denied that the meetings ever took place, but Thompson was able to provide meeting notes for precisely the time where the coauthors claimed no meeting took place.
315. Thompson stated: "That's what I keep seeing again and again and again, where these senior people just do completely unethical, vile things and nobody holds them accountable."
316. This study was supposed to be completed in six months (May 15, 2001-December 1, 2001), but the results were not released until four years later.
317. Thompson stated: "The reason you don't see anything else circulating from this study, it was five of us behind closed doors for two years."
318. In a February 2, 2004 email to Julie Gerberding, M.D., Thompson wrote, in part: "I will have to present several problematic results relating to statistical associations between receipt of the MMR vaccine and autism."
319. Thompson was scheduled to provide testimony via a presentation titled "Age at First Measles-Mumps-Rubella Vaccination in Children with Autism and School-Matched Control Subjects," but was replaced at the last minute by Frank DeStefano, M.D. MPH.
320. DeStefano falsely reported to the Institute of Medicine's (IoM) Immunization Safety Review Committee that there was no association between MMR and autism.
321. Wakefield stated: "The IoM was the 'point of no return' and so deprived of the truth, the IoM declared MMR vaccine safe."
322. The Immunization Safety Review Committee stated: "The committee does not consider a significant investment in studies of the theoretical vaccine-autism connection to be useful at this time."
323. After their work on the MMR study, DeStefano's team (referred to as "The Autism Public Health Response Team") received the HHS's Secretary's Award for Distinguished Service and several years later, Dr. Julie Gerberding received a high paying job as the Executive Vice President of Strategic Communications, Global Public Policy, and Population Health at Merck.
324. Boyle lied before the House Oversight & Government Reform Committee when asked by Rep. Bill Posey (FL) if the CDC had conducted or facilitated any studies comparing vaccinated and unvaccinated children.
325. Boyle's response was: "We have actually done a number of studies looking at the relationship between thimerosal vaccines and autism and other developmental disabilities."
326. Boyle later stated: "Vaccines and their components did not increase the risk for autism."
327. When later probed by Posey if DEFENDANT CDC "clearly, definitely and unequivocally" studied comparing vaccinated and unvaccinated children, Boyle stated: "We have not studied vaccinated versus unvaccinated."
328. Hooker stated: "These children have been maimed by the actions of Colleen Boyle, Frank DeStefano, Marshallly Yeargin-Allsopp and Tanya Bhashin."
329. Researcher and author Hilary Buter stated: "When I look at the vaccine damage I see, it's almost a pattern that goes like this: Damage as early as possible, damage as often as possible, deny the damage could possibly be anything other than a coincidence, denigrate the damage when they point it out, describe the parents of the damaged children as 'deluded' or 'delusional' and then demonize those parents, and then divide society so that pro-vaccine then demonize parents who were once pro-vaccine, but vaccinated their children who became damaged."

330. Dr. Kenneth P. Stoller, MD was trained as a pediatrician at UCLA and was a fellow of the American Academy of Pediatrics (AAP) for two decades.
331. "In 2008, Dr. Stoller resigned from the AAP after realizing that the AAP has known that mercury in vaccines can cause Autism and other neurological damage, yet the organization has refused to make a determined effort to have mercury (in thimerosal) removed from all vaccines." [<https://www.sott.net/article/312785-Dr-Kenneth-P-Stoller-UCLA-pediatrician-resigns-because-American-Association-of-Pediatrics-knows-vaccines-cause-Autism>.]
332. Dr. Stoller said: "One of the key triggers is the heavy metal exposure that children receive from vaccination, specifically mercury. And the vaccines that are exported to third world countries have the full complement of the mercury laden preservative thimerosal. In those vaccines. No one holds pharma accountable for what they put in vaccines or verifies what they put in vaccines and they have complete immunity for whatever happens to whoever receives those vaccines."
333. Dr. Stoller has also said: "Vaccines are a toxic soup of chemicals which cause autism."
334. Mark Blaxill, vice president of Safe Minds, a nonprofit organization concerned about the role of mercury in medicines says, "The damage caused by vaccine exposure is massive. It's bigger than asbestos, bigger than tobacco, bigger than anything you've ever seen." [Kennedy, Jr.]
335. Del Bigtree: "When we look at isolated autism, we see that there's up to a seven-fold increase in the incidence of autism between those that receive the vaccine between 12 and 15 months versus those that got it after three years old. But let's be perfectly clear: Every child in the study had received the MMR vaccine. What would the numbers be if you compared children who got the MMR vaccine between 12 and 15 months versus children who never got the vaccine at all. This is often referred to as the 'vax versus unvax' study. The CDC refuses to do this study, even though every drug that we take has been through this exact same study. There's a group who take the drug and then they compare it with the group that do not take the drug and then they see if there are more side effects and complications with the group that takes the drug. So why does the CDC refuse to do the 'vax versus unvax' study? Probably because, when we look at the results of this study, we realize that the risks would be astronomical and is likely to be one of the major reasons we are seeing this skyrocketing increase of autism worldwide."
336. Virologist Luc Montagnier, M.D stated: "The vaccine autism interaction is a worldwide problem — not only in this country but also in Asia and even in Africa. The MMR vaccination, in the very early stage of infancy, before the age of 2, was more prominent for African Americans and this was hidden for some time. This fraud of course ranks very high, to my opinion, in the ethics of medicine and science. The CDC, in the past, has done very important work on the discovery of AIDS so I'm very disappointed to see a different situation with the CDC's dealing with autism."
337. Autism "was unknown until 1943, when it was identified and diagnosed among eleven children born in the months after thimerosal was first added to baby vaccines in 1931. [RollingStone. July 20, 2005.]
338. Autism used to be a very rare disorder. In 1978, the prevalence of autism was about 1 in 15,000.
339. "The prevalence of autism in the United States has risen steadily since researchers first began tracking it in 2000. The rise has sparked fears of an autism 'epidemic.'" [Jessica Wright. "Autism prevalence in the United States explained." Spectrum News. September 3, 2020. <https://www.spectrumnews.org/news/autism-rates-united-states-explained/>.]
340. In 2016, a child in the U.S. was diagnosed with autism every seven minutes.
341. As of 2020, autism in children has risen to 1 in 54 in the U.S., according to 2016 data. [<https://www.autism-society.org/releases/cdc-releases-new-prevalence-rates-of-people-with-autism-spectrum-disorder/>.]
342. "Even more alarming, the government continues to ship vaccines preserved with thimerosal to developing countries — some of which are now experiencing a sudden explosion in autism rates." [RollingStone. July 20, 2005.]
343. "In China, where the disease was virtually unknown prior to the introduction of thimerosal by U.S. drug manufacturers in 1999, news reports indicate that there are now more than 1.8 million autistics." [RollingStone. July 20, 2005.]
344. "Although reliable numbers are hard to come by, autistic disorders also appear to be soaring in India, Argentina, Nicaragua and other developing countries that are now using thimerosal-laced vaccines." [RollingStone. July 20, 2005.]
345. "In 2014, DEFENDANT CDC whistleblower, the agency's senior vaccine safety scientist, Dr. William Thompson, disclosed that top CDC officials had forced him and four other senior researchers to lie to the public and destroy data that showed disproportionate vaccine injuries — including a 340 percent elevated risk for autism — in Black male infants who received the Measles, Mumps, Rubella (MMR) vaccine on schedule." [Kennedy, Jr., pg. 244.]
346. A study conducted by scientist Dr. William Thompson on the MMR vaccine showed that black boys are at a 240% greater risk than their "white" counterparts for developing autism when the MMR vaccine is administered prior to their third birthday. [<https://pediatrics.aappublications.org/content/113/2/259/tab-article-info>.]
347. The study also showed that the vaccine is wiping black boys out not just with autism, but with ADHD, ADD, and many kinds of allergies to name a few.
348. Over this same period of time, there has been a steady rise in the number of students with emotional and behavioral disorders (EBDs).
349. Although a link has yet to be made, there is a strong likelihood that the vaccines are responsible for the increase of EBD in children.

350. "Established in 1990, the Vaccine Adverse Event Reporting System (VAERS) is a national early warning system to detect possible safety problems in U.S.-licensed vaccines. VAERS is co-managed by the Centers for Disease Control and Prevention (CDC) and the U.S. Food and Drug Administration (FDA)." [<https://vaers.hhs.gov/about.html>.]
351. "Adverse events from drugs and vaccines are common, but underreported. Although 25% of ambulatory patients experience an adverse drug event, less than 0.3% of all adverse drug events and 1-13% of serious events are reported to the Food and Drug Administration (FDA). Likewise, fewer than 1% of vaccine adverse events are reported. Low reporting rates preclude or slow the identification of "problem" drugs and vaccines that endanger public health." ["Electronic Support for Public Health—Vaccine Adverse Event Reporting System (ESP:VAERS)." 2010. <https://rickjaffeesq.com/wp-content/uploads/2021/02/r18hs017045-lazarus-final-report-201116.pdf>.]
352. According to the National Vaccine Injury Compensation (VIC) program: "Since 1988, over 24,441 petitions have been filed with the VICP. Over that 30-year time period, 20,300 petitions have been adjudicated, with 8,353 of those determined to be compensable, while 11,947 were dismissed. Total compensation paid over the life of the program is approximately \$4.6 billion." [<https://www.hrsa.gov/sites/default/files/hrsa/vaccine-compensation/data/data-statistics-report.pdf>.] 1. Researcher and author Hilary Buter stated: "When I look at the vaccine damage I see, it's almost a pattern that goes like this: Damage as early as possible, damage as often as possible, deny the damage could possibly be anything other than a coincidence, denigrate the damage when they point it out, describe the parents of the damaged children as 'deluded' or 'delusional' and then demonize those parents, and then divide society so that pro-vaccine then demonize parents who were once pro-vaccine, but vaccinated their children who became damaged."
353. From 1986 to 2016, the "Vaccine Court" has paid approximately \$3 billion to victims of vaccine injuries and their families.
354. Despite these studies and evidence of the pharmaceutical industry, Anthony Fauci, the NIAID, FDA and other U.S. government institutions suppressed this information and over time, have increased the amount of vaccines required.
355. During a 2015 interview with KCRA NBC, pediatrician and California senator Richard Pan stated: "[We] still continue to hear that vaccines cause autism even though that's been debunked." [<https://www.kcra.com/article/sen-pan-discusses-controversial-vaccination-bill-exemptions/5995261>.]
356. Former U.S. Surgeon General Vivek Murthy, MD stated: "There's been some inaccurate information circulating about vaccines. Mostly stemming from a British study linking vaccines to autism. [It has been] repeatedly and thoroughly debunked."
357. In response to a question on whether or not he thought parents should be "required" to vaccinate their children, President Obama stated during a February 2015 interview with The Today Show: "I just want people to know the facts and the science and the information. And the fact is that a major success of our civilization is ability to prevent diseases that in the past have devastated folks and Measles is preventable. I understand that there are families that in some cases are concerned about the effect of vaccinations. The science is pretty indisputable. We've looked at this again and again. My children are vaccinated, you got a new born at home, I'm assuming you're going to get them vaccinated. There is every reason to get vaccinated, there aren't reasons to not --" [<https://grabien.com/story.php?id=21583>.]
358. During the same interview, President Obama also stated; "You should get your kids vaccinated. It's good for them and the challenge you have is that if you have a certain group of kids who don't get vaccinated, as if it grows large enough that -- the percentage of population that doesn't get vaccinated -- then the folks who can't get vaccinated, small infants for example, or people with certain vulnerabilities that can't get vaccinated, they suddenly become much more vulnerable. They are counting on us to create this protective fence because most people have been vaccinated. So, I'd strongly encourage everybody, look at the science, look at the facts. CDC, the Center for Disease Control can give you good information. Listen to your pediatrician. Get your children vaccinated. If you do end up having somebody contracting the Measles, or having been exposed to somebody who turns out to have Measles, the CDC is very clear about, you are quarantining yourself a little bit to make sure that you are not spreading what is a highly contagious diseases. But we should be able to get back to the point where Measles effectively is not existing in this country."
359. In an interview with NBC News that aired in February of 2015, Obama stated: "There is every reason to get vaccinated — there aren't reasons to not." [Abby Phillip. The Washington Post. February 2, 2015. <https://www.washingtonpost.com/news/morning-mix/wp/2015/02/02/get-your-kids-vaccinated-obama-tells-parents-doubting-indisputable-science/>.]
360. In a May 22, 2019 interview with David Rubenstein, DEFENDANT Fauci was asked: "In the modern era, there has been some concern about vaccination. Some people think it causes diseases, it can cause autism? Is there any evidence that being vaccinated causes these disease?"
361. DEFENDANT Fauci responded: "No, the answer is absolutely not and it's unfortunate because there's a lot of misinformation spreading widely right now, leading to a diminution in the percentage of parents who vaccinate their children, particularly against measles. And that's why right now today, as we speak, we're seeing completely avoidable measles outbreaks throughout the country and even throughout the world. There's currently one in New York City, in the Williamsburg section of Brooklyn that is really quite alarming."

[Racial Disparities Begin As Early As Preschool]

- 362. "Black students face significant barriers that keep them from enrolling in college and ultimately earning a degree. It starts with their K-12 education: If schools fail to prepare them early on, they're more likely to struggle to get in or possess study habits that allow them to persist and earn a degree. Students who go to school in low-income neighborhoods might not have the standardized test scores required for admission." [Furfaro.]
- 363. "Educational outcomes for minority children are much more a function of their unequal access to key educational resources, including skilled teachers and quality curriculum, than they are a function of race." [Linda Darling-Hammond. "Unequal Opportunity: Race and Education." Brookings. March 1, 1998. <https://www.brookings.edu/articles/unequal-opportunity-race-and-education/>.]
- 364. "Discrimination and racial bias against Black students begins as early as preschool. Several studies bear this out, including one from last year, in which researchers reported that teachers asked to rate students' academic abilities scored Black children far below white peers with identical scores. Such implicit bias can have serious negative consequences: Teachers tasked with recommending students for gifted and talented programs, for example, might overlook Black students who would excel." [Furfaro.]
- 365. "Black and Latino students are more likely to attend failing schools, where research shows they're more likely to be placed with teachers who are uncertified or still in training." [Greene.]

[Mislabeling]

- 366. "Research has found that students of color, especially African Americans, are disproportionately likely to be classified and labeled as learning disabled and placed in special education programs. This is especially" [Wise, pg. 104.]
- 367. In Arizona public schools, "males of color at mostly white schools are two-thirds more likely to be labeled as emotionally disturbed or learning disabled than minority males at mostly minority schools, even though the latter are far more likely to have grown up in poverty, and thus could be expected to occasionally demonstrate emotional or cognitive impairment." [Wise, pg. 104-105.]
- 368. "Nationally, black students are anywhere from 1.5 times to four times more likely than whites to be classified as mentally handicapped or emotionally disturbed; a range so broad as to suggest significant imprecision, subjectivity and likely bias in the evaluation process." [Wise, pg. 105.]
- 369. "This labeling of students has a profound effect on their future educational attainment. [S]tudents labeled as learning disabled are 20 percent more likely to drop out than students not labeled in this way, and those labeled emotionally disturbed are three time more likely to quit school than students with physical disabilities." [Wise, pg. 105.]
- 370. "Although the labeling itself is not the cause of the student's failure to complete their schooling, it creates a set of expectations and stigmas for those so labeled that can suppress the drive to achieve academically." [Wise, pg. 105.]
- 371. Nationally, research has found that "students labeled as mentally handicapped or emotionally disturbed are likely to be placed in restricted learning environments, despite evidence indicating that such students need exactly the opposite in order to thrive." [Wise, pg. 105.]
- 372. "[O]nce labeled and removed from normal classroom environments, students of color receive less services and support than whites who have been similarly labeled." [Wise, pg. 105-106.]
- 373. Both disability labeling and ability tracking can become self-fulfilling prophecies.
- 374. "Studies have long found that blacks and Latinos are far more likely than white students to be placed in lower-track remedial level classes and far less likely to be placed in honors courses than whites, even when their prior academic performance would justify different placements." [Wise, pg. 106.]
- 375. "Nationally, schools disproportionately serving students of color have about one-third as many advanced courses offered, per capita, as schools serving mostly whites." [Wise, pg. 106.]
- 376. According to data in 2010, there were more than 125 high schools in California without a single AP class. [Wise, pg. 106.]
- 377. "Evidence suggests that ability tracking actually hampers the literacy and academic accomplishments of students of color at lower levels of prior ability, while failing to boost the performance of more advanced students." [Wise, pg. 107.]
- 378. "Those labeled as slower learners often suffer from reduced self-esteem and a lowered sense of their own efficacy, which compromises their academic success and creates a self-fulfilling prophecy of sorts, whereby their track becomes their destiny in school." [Wise, pg. 107.]
- 379. "[L]ow-track teachers typically eschew a focus on academic advancement or mastery of material for their students, focusing instead on maintaining discipline, respect for authority, punctuality and simple task completion. Furthermore, they emphasize how to be less outspoken and more compliant with rules and regulations as set by authority figures (be they teachers or future bosses). There is very little room within remedial-track classes for development of critical thinking skills or for moving up the school ladder." [Wise, pg. 107-108.]

[Disparities in Punishment]

380. Year after year, the disciplining of Black male students, like in the larger society, is "out of proportion" to the disciplining of white male students. [Brooks, pg. 78.]
381. Disproportionate rates and severity of discipline begin in preschool and extend over the years of Black children's education. [Furfaro.]
382. Black preschoolers are about 3.6 times more likely to receive at least one out-of-school suspension than white preschoolers. [Furfaro.]
383. "Nationally, fourteen separate studies have found clear racial disparities in rates of suspension and expulsion from school. Black students are two to three times more likely to be suspended or expelled than whites, even though they do not, contrary to popular belief, violate school rules disproportionately, relative to white students." [Wise, pg. 110-111.]
384. "[W]hen it comes to some of the most serious rule infractions, whites often lead the pack, and they certainly violate those rules at least as often as black and brown students do, from possession of drugs to drinking and smoking. Most of the infractions for which students of color are punished are vague, highly subjective offenses — far more given to interpretation and thus implicit bias on the part of teachers — such as 'disrespect for authority,' 'making excessive noise,' or loitering." [Wise, pg. 111.]
385. Many educators who remain colorblind or "colormute" "replicate inequities by failing to get to the bottom of their own biases or the structural impediments to equal opportunity within their schools." [Wise, pg. 112.]
386. In 2018, the Government Accountability Office ("GAO"), studying Department of Education civil rights data, also found some disturbing trends, concluding that "regardless of the racial makeup of the school, the type of punishment, the level of poverty in the school or grade level — black students are much more likely than their white counterparts to be punished in school." [Michael Harriot. "Government Study: School is Racist." April 5, 2018. <https://t.co/HYtTgONUXM>.]
387. The GAO report explained, "These disparities were widespread and persisted regardless of the type of disciplinary action, level of school poverty or type of public school attended."
388. In a May 26, 2023 press release, Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division said: "Discrimination in school discipline can have devastating long-term consequences on students and their future opportunities. The Department of Justice's Civil Rights Division uses our federal civil rights laws to protect students from discriminatory discipline, including discrimination in suspensions and expulsions, law enforcement referrals and school-based arrests. The investigations that we describe demonstrate how students may experience discrimination based on multiple facets of their identities and reflect our joint commitment to fully protect all students." ["U.S. Departments of Education and Justice Release Resource on Confronting Racial Discrimination in Student Discipline." U.S. Department of Education. May 26, 2023. <https://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-resource-confronting-racial-discrimination-student-discipline>.]

[Removing Consequences]

389. Many schools in DEFENDANT City of New York and other cities throughout the nation have now appeared to have done away with disciplinary measures like detention, in-school suspension and out-of-school suspension.
390. This has actually worsened student behavior and made it more difficult for teachers to teach now that there are less consequences for students who violate classroom rules and engage in disruptive behavior repeatedly.
391. Despite a reduction in disciplinary measures, a 2021 report from the city "shows that despite declines in the number of students being suspended, Black students are still almost twice as likely to be suspended as white students. For Hispanic students, there has been slightly more positive movement in disciplinary trends, but inequities still exist." [Tolani Britton. "Black & Brown kids belong in school: Stop suspending some kids unfairly." Daily News. December 22, 2021. <https://www.nydailynews.com/opinion/ny-oped-black-brown-kids-belong-school-20211222-dvejitnavzba5ms5l5m6ivn474-story.html>.]
392. This creates the illusion that students at these schools are well-behaved.
393. Despite a reduction in disciplinary measures, a 2021 report from the city "shows that despite declines in the number of students being suspended, Black students are still almost twice as likely to be suspended as white students. For Hispanic students, there has been slightly more positive movement in disciplinary trends, but inequities still exist." [Tolani Britton. "Black & Brown kids belong in school: Stop suspending some kids unfairly." Daily News. December 22, 2021. <https://www.nydailynews.com/opinion/ny-oped-black-brown-kids-belong-school-20211222-dvejitnavzba5ms5l5m6ivn474-story.html>.]
394. "Students with poor classroom behavior often struggle with academic skills." [The Editorial Team. "Strategies to Improve Classmate Behavior and Academic Outcome." May 20, 2020. <https://resilienteducator.com/classroom-resources/strategies-to-improve-classroom-behavior-and-academic-outcomes/>.]
395. "The relationship between academic and behavior problems is a long recognized phenomenon (Alexander, Entwisle, & Horsey, 1997; Hinshaw, 1992). In their meta-analysis, Maguin and Loeber (1996) found that poor academic performance appears to be related to frequency, persistence, and seriousness of delinquent activity. A more recent study (Joffe & Black, 2012) revealed that those with low academic performance had significantly greater social, emotional, and behavioral difficulties." [Brad Weinstein.]

396. Having worked with students of all grades and ages, PLAINTIFF Mr. Washington has observed what happens to students who are allowed to misbehave in school without consequences or repercussions.
397. By the time the student reaches 12th grade, there is little to no chance of changing the student's attitude and behavior with regards to taking their education seriously.

[School to prison pipeline]

398. K-12 school policies allow students to be arrested on their campuses, and Black students face this fate far more often than others. [Furfaro.]
399. In the 2015-16 school year, for instance, Black students nationwide made up about 15 percent of public school students but 31 percent of those referred to police or arrested at school. [Furfaro.]
400. Black students are about 5 times more likely than white students to be detained in juvenile justice facilities and are disproportionately sent from juvenile to adult court. [Furfaro.]
401. "The rate at which Black males are being pushed out of school and into the pipeline to prison far exceeds the rate at which they are graduating or reaching high levels of academic achievement." [Dr. Nyree Dawn Dixon [Acting Superintendent]. "Peripheral View: Urban Black Male Middle School Students Academic Achievement as Influenced by Teacher Perceptions of the Students and the Students' Perceptions of How They Are Perceived" (2019). Dissertations available from ProQuest. AAI27546356. <https://repository.upenn.edu/dissertations/AAI27546356>]
402. Majority of those who fill the prisons and juvenile centers throughout the DEFENDANT United States of America are African American.
403. Rikers Island in DEFENDANT City of New York has "roughly 15,000 employees, with 14,000 inmates made up of men, women, and youth," "with the inmate population [being] 85% African American." [Dr. Joy DeGruy. Post Traumatic Slave Syndrome. pg. 14. 2017.]

[Racist Incidents Throughout Nation in Last Few Years]

404. Nearly every week, racist incidents occur in school after school.
405. In February of 2018, Patricia Cummings "had her students at William W Niles School/MS 118 in the Bronx sit close together on the floor last January to show them how slaves sat on slave ships. . . [S]tudents said Cummings singled out black students and told them to lie face-down on the floor. The allegations were that at one point during the exercise, she stepped on the back of at least one of the students and said, 'How does it feel? See how it feels to be a slave.'" ["Bronx teacher fired over slavery lesson to sue for \$1 billion." New York Daily News. January 10, 2019. <https://www.nydailynews.com/2018/09/27/white-social-studies-teacher-ousted-over-slavery-lesson-plans-to-sue-over-reverse-racism/>.]
406. During the same month and year, at another middle school, a "white" principal Patricia Catania was accused of racism for "allegedly [telling] an English teacher. . . that she couldn't teach black history lessons, confiscated a student-made poster of the African American entertainer Lena Horne, and targeted black students and teachers for abuse." [Nicole Einbinder. "A New York middle school principal has been demoted after being accused of racist behavior." Business Insider. June 7, 2019. <https://www.businessinsider.com/new-york-principal-accused-racism-new-position-high-school-2019-6>.]
407. Catania chose to leave her position and accepted an assistant principal position at a nearby high school, even though it meant a more than \$30,000 salary deduction.
408. In May of 2022, students at Colerain High School near Cincinnati, Ohio put up handwritten "Whites only" and "Blacks only" signs over two water fountains at the school, taken pictures of them and then posted them to social media for public consumption. [Donald Earl Collins. "Racism never left US schools — now it's taking worrying new forms." Al Jazeera. October 19, 2022. <https://www.aljazeera.com/amp/opinions/2022/10/19/racism-us-schools-critical-race-theory>.]
409. In or around September of 2022, "a lesson plan at a Los Angeles K-8 school, which included picking cotton to learn about slavery, came to light in the midst of a lawsuit over the practice." [Collins.]
410. In or around that same time, there was an "incident at a Massachusetts high school, where a white student posted a picture of himself with a sign that read: 'If I was Black, I would be picking cotton. But I'm white, so I'm picking you for HoCo [Homecoming]'." [Collins.]
411. On February 10, 2023, over 200 students at Alabama Hillcrest High School walked out after a "white" administrator asked students to leave out certain relevant events like slavery or civil rights from an upcoming student-led Black History Month program because "she felt uncomfortable."
412. On February 7, 2023, videos were posted on TikTok, showing "white" girls from Philadelphia, PA spray another female with black spray paint.
413. An elementary school of DEFENDANT NYCDOE with a 41 percent African American population banned students from writing reports on Malcolm X. [Clare Trepasso. "EXCLUSIVE: Queens school barred student reports on 'bad' Malcolm X, parents say." New York

Daily News. February 9, 2014. <http://www.nydailynews.com/new-york/education/queens-school-barred-reports-bad-malcolm-x-parents-article-1.1607362>.]

414. Throughout the nation, Black students are still being discriminated against because of their natural hairstyles (e.g. afros, dreadlocks, etc.).

[Academic Performance in Reading & Math]

415. Nationwide, Black children overwhelmingly lack proficiency in math and reading.
416. "According to the National Assessment of Educational Progress (NAEP), a sector of the U.S. Department of Education, 84 percent of Black students lack proficiency in mathematics and 85 percent of Black students lack proficiency in reading skills." [Armstrong Williams. "Many of America's Black youths cannot read or do math — and that imperils us all." The Hill. November 4, 2021. <https://thehill.com/opinion/education/579750-many-of-americas-black-youths-cannot-read-or-do-math-and-that-imperils-us/>.]
417. "In California, 90 percent of students cannot do math or read well. In New York, the numbers are 85 percent and 82 percent. In Illinois it is 86 percent and 85 percent. In Texas the numbers are 84 percent and 89 percent. Maryland sits at 86 percent for math and 80 percent for reading. My home state of South Carolina is 90 percent and 87 percent. In Georgia, the numbers are 86 percent and 82 percent. In Missouri, it is 89 percent and 88 percent. And in Washington, D.C., the numbers are 85 percent and 87 percent." [Id.]

[Performance on State Exams]

418. During the 2018-2019 school year, the "results for NYC students were: (1.) In English, the overall percentage of New York City students meeting the State's bar for proficiency increased by 0.7 percentage points, from 46.7 percent to 47.4 percent and (2.) In Math, the overall percentage of proficient students in New York City increased by 2.9 percentage points, from 42.7 percent to 45.6 percent." [NYCDOE]
419. A district-wide passing rate below 65% indicates failure.
420. The 2019 New York State proficiency rates for grades 3-8 in ELA was 47.4%. **See Exhibit C.**
421. From third grade to eighth grade, the proficiency rate for NYC students in ELA decreased from 53.3% to 50.6%.
422. For grades 3-8, the 2019 proficiency rates in ELA for NYC students by race/ethnicity were: 67.9% for Asians, 35% for Blacks, 36.5% for Hispanics and 66.6% for Whites.
423. The 2019 New York State proficiency rates for grades 3-8 in Math was 45.6%.
424. From third grade to eighth grade, the proficiency rate for NYC students in Math decreased from 53.2% to 36.0%.
425. For grades 3-8, the 2019 proficiency rates in Math for NYC students by race/ethnicity were: 74.4% for Asians, 28.3% for Blacks, 33.2% for Hispanics and 66.6% for Whites.

[Racially Disparate Pass Rates on Aptitude Tests]

426. "The SAT debuted in 1926, joined by the ACT (American College Testing) in the 1950s. By the 21st century, the SAT and ACT were just part of a barrage of tests students may face before reaching college." [Rosales.]
427. "The ACT, the SAT, the LSAT, the MCAT — Black students do worse than white students on nearly every prominent precollege and preprofessional test." [Greene.]
428. Eugenacist Carl Brigham "was influential in the development of the Scholastic Aptitude Test (SAT)." [Rosales.]
429. According to Erik Jacobsen, a New Jersey writer and math-physics teacher based at Newark Academy in Livingston, N.J.: "Unlike the college boards, the SAT is designed primarily to assess aptitude for learning rather than mastery of subjects already learned. For some college officials, an aptitude test, which is presumed to measure intelligence, is appealing since at this time (1926) intelligence and ethnic origin are thought to be connected, and therefore the results of such a test could be used to limit the admissions of particularly undesirable ethnicities."
430. "According to Fair Test, on average, students of color score lower on college admissions tests, thus many capable youth are denied entrance or access to so-called "merit" scholarships, contributing to the huge racial gap in college enrollments and completion." [Rosales.]

[Intelligence is Socially Constructed]

431. Standardized tests "have never been accurate and reliable measures of student learning." [John Rosales and Tim Walker. "The Racist Beginnings of Standardized Testing." NEA Today. March. 20, 2021. <https://www.nea.org/nea-today/all-news-articles/racist-beginnings-standardized-testing>.]

432. "Decades of research demonstrate that Black, Latin(o/a/x), and Native students, as well as students from some Asian groups, experience bias from standardized tests administered from early childhood through college." [Rosales.]
433. Intelligence is more of a social construct than a biological reality. [Sussman.]
434. Psychologist Jefferson Fish (2002), observed: "Access to schools, school quality, modes of instruction, attitudes toward formal education, and educational values vary cross-culturally. Biological-sounding concepts, especially inheritability, have been misused to imply a genetic basis for group differences in IQ scores...A wide variety of data...imply that group differences in IQ are social in origin and can change as the result of changing social circumstances or social interventions." [Sussman. The Myth of Race.]
435. Psychologist Leon Kamin (1974) stated: "There exists no data which should lead a prudent man to accept the hypothesis that IQ test scores are in any degree heritable." [Robert Wald Sussman. The Myth of Race. pg. 261. 2014.]
436. "[T]here is no simple, unitary measure of intelligence;...measures of intelligence are greatly influenced by education and culture;...almost all competent biologists, anthropologists, and geneticists now agree that biological races do not exist among humans." [Sussman, pg. 256.]
437. Ibram X. Kendi of the Antiracist Research & Policy Center at Boston University and author of How to be an Antiracist said in October 2020: "We still think there's something wrong with the kids rather than recognizing their something wrong with the tests. Standardized tests have become the most effective racist weapon ever devised to objectively degrade Black and Brown minds and legally exclude their bodies from prestigious schools." [Rosales.]
438. Young Wan Choi, manager of performance assessments for the Oakland Unified school District in Oakland, CA explained: "While much has been said about the racial achievement gap as a civil rights issue, more attention needs to be paid to the measurement tools used to define that gap. Education reformists, civil rights organizations, and all who are concerned with racial justice in education need to advocate for assessment tools that don't replicate racial and economic inequality." [Rosales.]

[Racial Disparities in Rates of Graduation]

439. Black students "have higher dropout rates and lower college attendance rates than their white counterparts."
440. Based on data compiled by the United States Department of Education on high school graduation rates nationwide in the 2017-18 academic year, 85.3 percent of all students graduated from high school in four years. ["The Racial Gap in Four-Year High School Graduation Rates." The Journal of Blacks in Higher Education. March 16, 2020. <https://www.jbhe.com/2020/03/the-racial-gap-in-four-year-high-school-graduation-rates/>.]
441. For White Americans, 89.1 percent of all students graduated from high school in four years. For African Americans, the figure was 79.0 percent. Hispanics students had a graduation rate of 81.0 percent.
442. The highest Black student high school graduation rate was in the state of Alabama. There, 87.7 percent of all Black students earned their high school diplomas within four years. This was just 3.8 percentage points lower than the rate for Whites.
443. Texas had the second-highest graduation rate for Black students at 86.5 percent.
444. The lowest Black student high school graduation rate of 67 percent was in the District of Columbia.
445. In New York, the rate went from 82.3% in 2017-18 up to 82.8% in 2018-19." ["New Statistics on Graduation Rates in New York City for Children with Disabilities."]
446. In all 50 states, the graduation rate for White students was higher than the rate for Black students.
447. In Wisconsin, the Black student high school graduation rate was 24.1 percentage points lower than the rate for White students.
448. In New York City, the graduation rates for all students, as well as each ethnicity, is lower than the national average.
449. "77.3 percent of high school students graduated on time in 2019, an increase of 1.4 percentage points compared to the year before." [Clodagh McGowan. "High School Graduation Rate Up While Racial Divide Plateaus." NY 1. January 17, 2020. <https://www.ny1.com/nyc/manhattan/news/2020/01/17/high-school-graduation-rate-up-while-racial-divide-plateaus>.]
450. "The four-year graduation rate [for NYC students] increased by 1.5 percentage points, from 77.3 percent in August 2019 to 78.8 percent in August 2020." [NYCDOE]
451. In 2021, 88.2 percent of Asian-American DEFENDANT NYCDOE's students, 85 percent of Whites, 73.7 percent of Black students and 72 percent of Hispanic students graduated on time.
452. Many students, at least those enrolled at DEFENDANT NYCDOE, are graduating despite being significantly below grade level.
453. As PLAINTIFF Mr. Washington observed, many students that are below grade level are passed to the next grade.
454. "Many interpret gaps in educational achievement between white and non-Asian minority students, as measured by standardized test scores, and presume, based on the belief that equal opportunity now exists, that "continued low levels of achievement on the part of minority students must be a function of genes, culture, or a lack of effort and will." [Darling-Hammond.]
455. In order to mask the overall poor academic performance of students, school district are moving away from using grades like A, B, C, etc. on their report cards and are instead using a pass/fail grading system.
456. Educational racism ensures that by the time African American students graduate and become adults, they will essentially be useless to society and/or relegated to lower-status, lower-paying jobs, hence the reason African Americans continue to be overrepresented in these types of positions throughout the U.S.

[Role of Class]

457. "The U.S. educational system is one of the most unequal in the industrialized world." [Darling-Hammond.]
458. Students routinely receive dramatically different learning opportunities based on their social status and class.
459. DEFENDANT United States of America's "K-12 system gives undue advantage to those who already have some advantages." [Wright, et al.]
460. As William L. Taylor and Dianne Piche noted in a 1991 report to Congress: "Inequitable systems of school finance inflict disproportionate harm on minority and economically disadvantaged students." [Darling-Hammond..]
461. "[S]ocial class accounts for much of the variation in educational achievement by race and ethnicity. That is, if you know the social class of a group of students, you can predict with a good deal of accuracy whether their achievement, ability score, and college attendance rates are high or low. . . . Disadvantaged minorities in the United States remain disproportionately working class and underclass, and their children remain much less successful in the educational system than are the children of the middle class. Moreover, because education is an important channel for gaining access to the job market, minority students with low socioeconomic status have relatively less opportunity for economic success later in their lives. From this point of view, the schools' ineffectiveness in educating students from working-class homes helps to perpetuate the current class system — and the burden of poverty and low achievement falls disproportionately on the nation's racial and ethnic minority groups. Minority students are much less likely than white children to have any of these resources." [Levin and Ornstein. *Foundations of Education*. pg. 331. 2008.]
462. Majority schools of color in the U.S. receive less in federal funding than majority "white" schools. [Darling-Hammond..]
463. In contrast to European and Asian nations that fund schools centrally and equally, the wealthiest 10 percent of U.S. school districts spend nearly 10 times more than the poorest 10 percent, and spending ratios of 3 to 1 are common within states. [Darling-Hammond..]
464. According to a report from the nonprofit EdBuild, which studies the ways schools are funded in the U.S., "white school districts receive [\$23 billion more] compared with districts that serve mostly students of color. 'For every student enrolled, the average nonwhite school district receives \$2,226 less than a white school district,' the report says." [Clare Lombardo. "Why White School Districts Have So Much More Money." NPR. February 26, 2019. <https://www.npr.org/2019/02/26/696794821/why-white-school-districts-have-so-much-more-money>.]
465. EdBuild singles out 21 states — including California, New Jersey and New York — in which mostly white districts get more funding than districts composed primarily of students of color." [Clare Lombardo. "Why White School Districts Have So Much More Money." NPR. February 26, 2019. <https://www.npr.org/2019/02/26/696794821/why-white-school-districts-have-so-much-more-money>.]
466. Professor Richard Epstein argued in his book *Forbidden Ground* that "the economic subjugation of black Americans between Reconstruction and the modern civil rights era was a result of a combination of Jim Crow laws, actual or threatened private violence, and laws that gave monopoly power to private actors who discriminated against blacks." [David E. Bernstein. *Licensing Laws: A Historical Example of the Use Of Government Regulatory Power Against African-Americans*. San Diego Law Review. Vol. 31. pg. 89. 1994.]
467. "New York is leaving too many gifted children behind. Scads of K–3 students in low-income neighborhoods aren't even taking entrance exams for gifted programs. Four of the city's 32 school districts don't even have programs for gifted students, and many that do aren't getting the word out." [Brandon L. Wright and Chester E. Finn, Jr. "New York City is Failing Its Bright Poor Students." Fordham Institute. November 4, 2015. <https://fordhaminstitute.org/national/commentary/new-york-city-failing-its-bright-poor-students>.]
468. "Every January, K–3 students who sign up for it may take a test to get into one of the city's generally oversubscribed gifted programs. There's a single city-wide score used to separate the wheat from the chaff: Pass, and you're in; fail, and you're not. On its face, that approach looks fair. But it's not." [Wright, et al.]
469. "In Bedford-Stuyvesant's District 16, for example, just 15 percent of test takers passed last year. In South Bronx District 7, it was 5 percent. Yet across a couple of rivers in Manhattan's District 2, spanning the Upper East Side and much of the West Side, a whopping 42 percent of students who took the test qualified for gifted programs." [Wright, et al.]
470. "[H]igh-ability poor kids are among the most neglected populations in American public education." [Wright, et al.]
471. These "kids depend more than upper-middle-class youngsters on the public-education system. Some will manage to overcome the constraints of their origins but many will fall by the wayside, destined by circumstances beyond their control never to realize their full potential." [Wright, et al.]
472. "Schools with high concentrations of low-income and minority students receive fewer instructional resources than others. And tracking systems exacerbate these inequalities by segregating many low-income and minority students within schools. In combination, these policies leave minority students with fewer and lower-quality books, curriculum materials, laboratories, and computers; significantly larger class sizes; less qualified and experienced teachers; and less access to high-quality curriculum. Many schools serving low-income and minority students do not even offer the math and science courses needed for college, and they provide lower-quality teaching in the classes they do offer. It all adds up." [Darling-Hammond.]

- 473. Schools are funded through the property-tax base of the surrounding community. [DiAngelo. pg. 30.]
- 474. "Given the reality that, due to systemic and historical racism, youth of color disproportionately live in poor communities and their families rent rather than own, youth of color are penalized by this policy, which ensures that poor communities will have inferior schools." [DiAngelo, pg. 30.]
- 475. "In turn, this practice ensures that middle- and upper-class students, who are more likely to be white, will get a superior education and have less competition in the future workplace." [DiAngelo, pg. 30.]
- 476. "New York school districts with higher proportions of students of color have less funding, fewer advanced courses and enrichment activities, outdated and culturally irrelevant curricula, and armed police patrolling hallways and classrooms. In many neighborhoods, school buildings themselves expose students to toxic air, water, and chemicals." [Miller.]
- 477. According to a recent report, "nearly one-fifth of public schools have almost no children of color, while another one-fifth have almost no white children. The number of highly segregated nonwhite schools has tripled over the last quarter-century. What's more, predominantly white school districts receive \$23 billion more in funding compared with predominantly nonwhite school districts." [Stefan Lallinger. "America's segregated schools: We can't live together until we learn together." USA Today. June 23, 2020.]
- 478. Because of higher incomes, due to on-going job discrimination, predominately "white" individuals can afford to live in more affluent neighborhoods, which have the "better" schools.
- 479. Racism over the centuries has caused significant disparities in wealth between melanated and depigmented Africans and resulted in the unjust enrichment of "whites."
- 480. Because of slavery, by 1860, enslaved blacks were valued at \$4 BILLION USD and that's not adjusted for today's money, which would amount to \$40 TRILLION USD.

[A Racially Segregated Teaching Force is Responsible For Racial Disparities in Education Between Blacks and Whites]

- 481. Although people classified as "white" living in DEFENDANT United States of America have maintained a racial caste system for more than four hundred years, it is well settled that race is not a biological reality — it is a social and legal construct.
- 482. In Robert Wald Sussman's groundbreaking book, *The Myth of Race*, he states in the first paragraph: "In 1950, UNESCO issued a statement asserting that all humans belong to the same species and that 'race' is not a biological reality but a myth. This was a summary of the findings of an international panel of anthropologists, geneticists, sociologists, and psychologists. A great deal of evidence had accumulated by that time to support this conclusion, and the scientists involved were those who were conducting research and were most knowledgeable about the topic of human variation. Since that time similar statements have been published by the American Anthropological Association and the American Association of Physical Anthropologists, and an enormous amount of modern scientific data has been gathered to justify this conclusion. Today the vast majority of those involved in research on human variation would agree that biological races do not exist among humans. Among those who study the subject, who use and accept modern scientific techniques and logic, this scientific fact is valid and true[.]" [Robert Wald Sussman. *The Myth of Race*. pg. 1. 2014.]
- 483. Racism is taught and over time, produces a mental disease which distorts a person's worldview.
- 484. Majority of teachers classified as "white" have also been indoctrinated with a racist, Eurocentric ideology and as a result, lack "cultural competence, an understanding of students who come from backgrounds different than their own." [McDonald.]
- 485. "White educators' racial biases, as well as lack of cultural competence and consideration, affects black students disproportionately." [Nyla Pollard. "STUDENT VOICE: Black boys need the guidance and mentorship of black male teachers." *The Hechinger Report*. January 7, 2020. <https://hechingerreport.org/student-voice-black-boys-need-the-guidance-and-mentorship-of-black-male-teachers/>.]
- 486. As explained by veteran math teacher, Jose Vilson, "[I]f America has serious racial issues, especially serious racist issues, then inherently what we're teaching is going to see manifestations of that racism." [Terada, "Why Black Teachers Walk Away."]
- 487. Having cultural competence leads to "culturally responsive teaching and a lower likelihood of non-Black educators punishing or suspending students based on unconscious biases." [McDonald.]
- 488. Racially segregated school districts rely on its predominately "white" workforce to indoctrinate students with a Eurocentric ideology.
- 489. A large component of the Eurocentric curriculum involves whitewashing history, particularly the African origins of humankind and civilization.
- 490. "The national consciousness of the terrible history of slavery and Jim Crow has been deliberately repressed into a national subconscious as an ugly part of our national history that we choose to ignore." Charles Ogletree, Jr. pg. 283. 2002.]
- 491. As a result, most of United States of America's citizens today have "massive historical amnesia" and/or suffer from white denial.
- 492. Typically, teachers throughout the United States of America, including DEFENDANT NYCDOE, falsely teach students that African history began with the trans-Atlantic slave trade and slavery.
- 493. Schools throughout the U.S., including DEFENDANT NYCDOE and colleges/universities, fail to teach its students about the number of extraordinary African civilizations that have existed over time, including but not limited to the ancient Ethiopians and Egyptians,

- Dravidians, Moors (who ruled Spain and other parts of Europe for nearly seven centuries beginning in 711 A.D.) and Empires of Ghana and Mali.
494. In the year 1787, after exploring Egypt, the French philosopher and abolitionist Count C. F. Volney remarked: "There a people now forgotten discovered while others were yet barbarians, the elements of the arts and sciences. A race of men now rejected for their black skin, and woolly hair, founded on the study of the laws of nature those civil and religious systems which still govern the universe."
495. Students are taught about Hippocrates being the "Father of Medicine," but taught about Imhotep — the African who first held that title.
496. PLAINTIFF Mr. Washington was never taught this information (amongst many other important things about this Universe) in his 17 years of being educated by white-controlled educational institutions.
497. Since receiving his Masters, PLAINTIFF Mr. Washington has discovered the works of African master teachers and historians like John Henrik Clarke, Dr. Yosef ben-Jochannan, Ivan van Sertima, Dr. Frances Cress Welsing, George G. M. James, John G. Jackson, Cheikh Anta Diop, Marimba Ani, Malcolm X, J.A. Rogers, Jack Gratus, T. Owens Moore, Richard King, Kwame Ture, Claud Anderson, A. Ralph Epperson and many others.
498. PLAINTIFF Mr. Washington has also visited some of the most prestigious museums in New York City, Cairo, Luxor, Mexico City, the Vatican, London, Paris, and other cities throughout the world to see their African (including Egypt) exhibits with his own eyes.
499. "Connecticut, Illinois and Washington, D.C., are adding new lessons about the experiences of people of color, while California will soon require students to take an ethnic studies course to graduate from high school." [Troy Closson. "As Some States Restrict Black Studies, New York City Expands It." The New York Times. March 8, 2023. <https://www.nytimes.com/2023/03/08/nyregion/black-asian-american-studies-nyc.html>.]
500. In the Fall of 2023, DEFENDANT NYCDOE plans to "launch a new Black studies curriculum...that could eventually be used across hundreds of schools, part of a local effort to embrace lessons on race and culture that have sharply divided school districts around the country along political lines." [Closson.]
501. "In New York City, school officials said teachers would be encouraged to adopt the curriculums for now, but not required, though state lawmakers have introduced bills to mandate Asian American history and expand Black history education." [Closson.]
502. DEFENDANT NYCDOE's Chancellor David Banks stated: "My exposure to Black studies curricula in particular is what has helped to shape me" before adding that it's "not just important for Black kids. It's important for all." [Closson.]
503. A majority "white" teaching workforce — many who don't believe racism exists — cannot impartially teach Black history to majority black and brown students.
504. In New York City, "the efforts have been met with intense pushback at times, mirroring the conflicts in hundreds of school districts across the nation. Some families argue that such lessons and materials exacerbate divisions between students and are inappropriate for younger children, or could make white students ashamed of their backgrounds." [Closson.]
505. "Those on the right pushing for these bans are really arguing against any schooling that involves a reckoning with American racism and other ills. The argument: Learning uncomfortable truths will lead to psychological damage in white students." [Collins.]
506. As a result, Black and brown students — who comprise the majority of America's student population — "must continue to face erasure and daily trauma at the hands of callous politicians and educators and the hyper-masculine whiteness they practise and encourage." [Collins.]

[Blacks in Higher Education]

507. Today, we are living in a society where opportunity is increasingly determined by opportunity and knowledge and where, in the future, one will need a college degree, not a high school diploma, to be eligible for entry-level jobs.
508. It is becoming increasingly necessary to obtain a college degree in order to get a good-paying job.
509. Based on one's performance throughout K-12, it determines which type of college or university you have the opportunity to attend.
510. In theory, those who do the best in school are afforded better opportunities.
511. Colleges continue to discriminate against African Americans and people of color in enrollment.
512. "The racial differential in college enrollment has grown since the civil rights era." [Brooks, pg. 76.]
513. "Racial discrimination and segregation [has] adversely affected the internal drive for higher education among blacks." [Brooks, pg. 64.]
514. "Diversity in higher education has made improvements over the years but is still not accessible to all, primarily due to cost. The National Center for Education Statistics found that in 2017, 41 percent of white young adults were enrolled in college, compared to 36 percent of black and Hispanic young adults. Additionally, for Americans over 25, 33 percent of whites have a bachelor's degree, compared to 19 percent of blacks and 16 percent of Hispanics." [Elin Johnson. "Racial Inequality, at College and in the Workplace." Inside Higher Ed. October 17, 2019. <https://www.insidehighered.com/news/2019/10/18/racial-inequality-college-and-workplace>.]

515. A 2016 Pew Research finding showed that Blacks are more likely to have been victims of racism if they attended college. [Nathan Hardy. <https://www.diverseeducation.com/demographics/african-american/article/15107367/underrepresented-in-faculty-jobs-part-of-the-problem-is-racism-against-black-faculty-and-students>.]
516. "Black students complain about how they are treated differently in new student orientation, put into remedial courses, and discouraged from certain majors. This can increase lawsuits, bad press, and protests for colleges, and decrease trust in the educational system." [Hardy.]
517. The Atlantic article, "The Disciplines Where No Black People Earn Ph.Ds.," noted that more than a dozen fields of study in 2017 had no Black doctoral students.
518. The plight of Black graduate students is particularly important because graduate school is a pipeline for future teachers and other underrepresented occupations that can serve as encouragement.
519. According to the Pew Research Center, "When it comes to educational attainment, roughly a quarter (23%) of single-race Black adults ages 25 and older have earned a bachelor's degree or higher as of 2019. A third (33%) have completed some college and 45% have, at most, graduated from high school or equivalent." [Christine Tamir, et al. "Facts About the U.S. Black Population." Pew Research Center. March 25, 2021. <https://www.pewresearch.org/socialtrends/fact-sheet/facts-about-the-us-black-population/>.]

[Recent Lawsuits Filed On Behalf of African American Students Against DEFENDANT NYCDOE]

520. A wide-ranging lawsuit, originally filed in March of 2021, claims New York City's education system is racist in design and operation — effectively separating largely white and Asian students from Black and Latino students through a discriminatory testing processes for its gifted and talented (G&T) programs and curriculum. [Hyehoon Choi. "What to know about suit challenging alleged 'racist' education system in NYC." ABC News. September 9, 2021. <https://abcnews.go.com/amp/US/suit-challenging-alleged-racist-education-system-nyc/story?id=79410312>.]
521. There are eight specialized high schools throughout NYC.
522. "The system reproduced by the New York City public schools is fundamentally one of caste: an artificial, graded 'ranking of human value that sets the presumed supremacy of one group against the presumed inferiority of other groups on the basis of,' in the United States, race," the suit says.
523. This system, the complaint says, is accomplished by effectively setting groups apart at an early age and perpetuating those divisions.
524. The complaint also states, "Consequently, the demographics of the City's G&T programs reflect disparate familial resources, enrolling predominantly white and certain Asian students," the suit says. The system culminates in admissions to specialized high schools, which it says cements the notion that certain groups are privileged while others are not."
525. "The City and State intentionally maintain and sanction this system despite their knowledge — acquired through decades of experience and reflected in their own admissions — of its racist character and outcomes," the complaint says.
526. According to the suit, a teacher at Hibbert's school kept a list of racist incidents reported by Black and Latino students between 2012 and 2015, including racially charged jokes and perpetuating stereotypes.
527. The teacher reported the incidents to school leadership, but "the school enacted no meaningful policy changes."
528. On February 17, 2023, a "Black family in New York City has filed a lawsuit against the city's education department and leaders of a public school alleging that the school, district and city officials enabled and downplayed years of racism and bullying against the family's two children and failed to act on repeated complaints." [Daniella Silva. "NYC parents allege years of racism and bullying in civil rights lawsuit against elementary school and city Education Department." NBC News. February 1, 2023. <https://www.nbcnews.com/news/us-news/nyc-parents-allege-years-racism-bullying-civil-rights-lawsuit-elementa-rcna71104>.]
529. "Amos and Tiffany Winbush said...that their children 'have endured unimaginable racism, physical and emotional trauma' during their time at the Peck Slip School, a public elementary school in New York City. The Winbushes said their children are two of only a few Black students who attend the school, which is predominantly white." [Silva.]
530. Their lawsuit said, in part: "Teachers and school officials have fostered, enabled, and perpetuated a racially hostile environment at Peck Slip, and that environment has emboldened students to harass and abuse the Winbush children physically and emotionally."
- 531.

c. Positive Influence of Black Teachers on African American (and All) Students:

532. Historically, the absence of Black teachers has been and/or continues to be the reality for most students all over the country.
533. "Black teachers (and teachers of color in general) have a well-documented positive impact on Black students' academic and life outcomes." [Abigail Swisher. "How Black teachers make a difference." National Council on Teacher Quality. January 26, 2023. <https://www.nctq.org/blog/How-Black-teachers-make-a-difference>.]

534. "Research strongly suggests that when Black students, in particular, learn from teachers who look like them, they do better in school, take more advanced courses, and are more likely to graduate from high school and college." [Green.]
535. The State of Tennessee "authorized a massive educational experiment in the mid-1980s called the Tennessee Star Experiment, one of the most critical experiments in educational research history." [Sojourner Ahébee. "'They see me as a role model': Black teachers improve education outcomes for Black students." WHY. February 19, 2021. <https://why.org/segments/they-see-me-as-a-role-model-black-teachers-improve-education-outcomes-for-black-students/>.]
536. "Seven thousand students in 79 schools were recruited, and they randomly assigned the students in those schools to either small classes, regular-sized classes, or regular-sized classes with a full time teacher's aide. One of the key things they did that would later give rise to a wide set of research papers is that they randomized the students and the teachers to those conditions and to one another — meaning that randomizing for class size meant teacher race was randomized as well." [Ahébee.]
537. "Cassandra Hart, an associate professor of education policy at University of California, Davis, said earlier studies used this data set to prove the short-term impact of race-congruent teachers on things such as next year's test scores or this year's discipline. But in 2018, Hart and a team of education policy researchers used the Project Star data to explore the long-run impact of having a Black teacher as a Black student." [Ahébee.]
538. Known as the "role model effect," research shows that "Black students who are exposed to Black teachers by third grade are 13% more likely to enroll in college." [Ahébee.]
539. "If kids had two Black teachers by third grade, Hart said, the likelihood of college enrollment jumped to 32%. Hart and her colleagues call this the role-model effect." [Ahébee.]
540. "Many of the lessons Black male teachers bring to the classroom go far beyond academic content and pedagogy. Their unique lived experiences create a rich curriculum that contributes to student success in ways that can't be graded or easily quantified. Using methods that transcend traditional teaching and learning, Black male teachers can provide hope, inspiration, advice, compassionate listening and, sometimes, tough love to make a difference in their students' lives." [Callahan.]
541. Black male students benefit from having a Black male teacher, with research findings noting lower dropout rates, fewer disciplinary issues, more positive views of schools and better tests scores. [Kimberly Underwood. "Why America Needs More Black Male Teachers." EdSurge. August 29, 2019.]
542. In a recent working paper, researcher David Blazar at the University of Maryland, "explor[ed] how strong teaching practices contribute to Black teachers' impact for all of their students" [Swisher.]
543. "Building on a previous study of teachers of color, Blazar narrowed his lens to the impact of Black teachers in particular." [Swisher.]
544. "Blazar found that being assigned a Black teacher produced greater outcomes for all students, regardless of students' race, compared to being assigned a white teacher." [Swisher.]
545. Being assigned a Black teacher increased students' math and reading test scores and decreased chronic absenteeism by roughly 60%—all at the same rates for Black and non-Black students." [Swisher.]
546. "Several of these benefits could still be seen up to six years later. For Black students, being assigned a Black teacher increased students' self-reported sense of self-efficacy and engagement." [Swisher.]
547. "At the same time, students assigned to a Black teacher were actually more likely to be suspended during the year (although unlike white teachers, Black teachers did not suspend their Black students at a disproportionately higher rate than their white students)." [Swisher.]
548. "Blazar analyzed the role of elements of "good teaching," including forming strong relationships with students and families, adopting a growth mindset, and running a well-organized classroom without creating a negative climate. On the whole, Black teachers demonstrated more of these good teaching practices and mindsets than their white peers, as evidenced by classroom observations and a survey of self-reported attitudes and practices." [Swisher.]
549. "Those practices (specifically a growth mindset and running a well-organized classroom) accounted for some of Black teachers' positive contributions to student outcomes—but not all. Rather, these findings suggest that much of what makes Black educators effective goes beyond teaching practices measured in this study." [Swisher.]
550. Blazar "suggests that social effects like role modeling (the benefits of having a teacher who looks like the students and serves as a role model, a hypothesis not tested in this paper) might be at play, although this effect could not wholly explain Black teachers' positive impact across all students." [Swisher.]
551. Blazar's work "adds important depth to the literature on Black educators, reinforces the urgent need to attract and support Black teachers, and points the way toward skills (such as classroom organization and a growth mindset) to cultivate in all current and prospective teachers." [Swisher.]
552. "Black male teachers build different kinds of relationships with their students because they have experienced things that white teachers just don't experience, said LaNelle Ramey, executive director of MENTOR Greater Milwaukee." [Causey.]
553. "Research shows that Black teachers tend to hold slightly higher expectations for their Black students. And Black educators are more likely to use references or examples that tap into the lived experience of their Black students." [Ahébee.]
554. "To increase racial diversity among America's educators, it is critical for states to develop programs that recruit and support Black men entering the teaching profession." [Toi Sin Arvidsson and Bayliss Fiddiman. "When Black men can't afford to teach, our

children pay the price." The Hill. September 7, 2021. <https://thehill.com/opinion/education/571157-when-black-men-cant-afford-to-teach-our-children-pay-the-price?amp>.]

555. Increasing Black male teacher representation in schools across the nation and NYC "requires strategic planning, including collaborative efforts at the national, state, district and local levels." [Kimberly Underwood. EdSurge. August 28, 2019.]

IV. PLAINTIFF Mr. Washington's Pre- and Post-Individual Disparate Treatment Claims:

556. Pursuant to 42 U.S.C. § 2000(e)(1), it is unlawful for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."

a. PLAINTIFF Mr. Washington's Background:

557. PLAINTIFF Mr. Washington is an African descendant of slaves and classifies himself as "African American" and/or "Black".
558. 30 years after Brown and 20 years after the passage of Title VII, PLAINTIFF Mr. Washington was born in Winston-Salem, North Carolina.
559. From an early age, PLAINTIFF Mr. Washington has always understood the value of receiving an education and has never taken receiving an education for granted.
560. PLAINTIFF Mr. Washington attended public schools in the states of Georgia and Florida.
561. Throughout the entirety of PLAINTIFF Mr. Washington's 13 years of public-school education (K-12), zero of his core academic teachers were African American.
562. Throughout the entirety of PLAINTIFF Mr. Washington's 13 years of public-school education (K-12), he excelled academically and completed many honors and AP courses.
563. PLAINTIFF Mr. Washington was awarded the Benjamin Banneker's Association Award for excellence in math in 2001.
564. In 2002, PLAINTIFF Mr. Washington was one of three essay finalists to represent the City of Orlando in its "sister city" – Urayasu, Japan.
565. PLAINTIFF Mr. Washington was awarded more than \$100,000 in scholarships and attended the University of Miami from 2003-2008.
566. PLAINTIFF Mr. Washington completed his undergraduate degree in three years and obtained his graduate degree in Music Business and Entertainment Industries from the University of Miami by the age of 23.
567. While attending the University of Miami, PLAINTIFF Mr. Washington worked four jobs throughout the entertainment industry simultaneously.
568. PLAINTIFF Mr. Washington served as the Urban Editor for a regional entertainment and fashion publication, publicist, student rep. for The Recording Academy and co-manager to a now 2x GRMMY Award winning Artist.
569. PLAINTIFF Mr. Washington helped Artist sign with Clive Davis' J Records and took initial meetings with the William Morris Agency for representation in touring and other areas.
570. At no time during Mr. Washington's years of schooling was he taught about the realities of institutionalized racism throughout DEFENDANT United States of America or the truth about the African origins of hue-manity and civilization.
571. Upon moving to New York City, PLAINTIFF Mr. Washington has worked for two industries in which African Americans are significantly underrepresented, especially within higher-status, higher-paying positions: entertainment and education.
572. Between September 2008 and April 2010, Mr. Washington was employed as an Agent Trainee at the William Morris Agency (now known as William Morris Endeavor Entertainment).
573. At the time of hire, PLAINTIFF Mr. Washington was the only African American employed at any level of the company's Agent Trainee program.
574. Although PLAINTIFF Mr. Washington was considerably more qualified than his similarly situated "white" and/or "Jewish" counterparts, they all advanced above him and the second African American Agent Trainee that was hired six months later.
575. After addressing his concerns with human resources and senior management, PLAINTIFF Mr. Washington was constructively discharged and filed a complaint with the EEOC.
576. No investigation took place by EEOC investigator Andrea Hahm and when the complaint was later filed in federal court, opposing counsel use that dismissal letter to support their frivolous argument that my legal arguments were without merit.
577. In December of 2010, PLAINTIFF Mr. Washington – as a pro se litigant – filed a thorough, 80-page Complaint against William Morris, alleging intentional violations of the Civil Rights Act of 1964 and additional civil rights laws based on race, color and/or national origin.
578. On December 17, 2013, PLAINTIFF Mr. Washington obtained a favorable decision on the merits and before the arbitrator could determine monetary damages, he was disqualified.

579. In violation of due process, the arbitrator's decision was vacated, and the case was eventually dismissed due to PLAINTIFF Mr. Washington's objections to the jurisdiction of the arbitrator's replacement.
580. Unable to find sufficient work, PLAINTIFF Mr. Washington moved to Spain for nearly a year, where he taught English privately.
581. Upon moving back to NYC, PLAINTIFF Mr. Washington sought a career in education, with hopes of becoming a teacher.
582. Given that PLAINTIFF Mr. Washington was in more than \$100,000 in student loan debt, he was unwilling to go further into debt spending two years to obtain a Masters in Education.
583. Through a chance of fate, PLAINTIFF Mr. Washington shared with an old friend from college that he was looking to become a substitute teacher and needed a letter of recommendation from a principal. His friend's cousin was a principal in Brooklyn and she immediately wrote the letter of recommendation.
584. After passing a series of interviews and tests, PLAINTIFF Mr. Washington was offered employment with DEFENDANT NYCDOE in or around December of 2016.

b. PLAINTIFF Mr. Washington's Work History at NYCDOE:

585. Between December of 2016 and October of 2021, Mr. Washington was employed as a substitute teacher for DEFENDANT NYCDOE.
586. PLAINTIFF Mr. Washington taught grades Pre-K through 12th and covered all subjects, academic and non-academic (e.g. gym, music, dance, art).
587. PLAINTIFF Mr. Washington observed, as well as many of his colleagues, students and/or classrooms that were out of control, disruptive and/or rude, making it difficult for teachers to teach their lessons and students to complete assignments.
588. Between 2016 and October 2021, PLAINTIFF Mr. Washington worked at more than 50 public schools for DEFENDANT NYCDOE.
589. At both the student and teacher level, most of the schools PLAINTIFF Mr. Washington taught at were largely segregated by race and/or color.
590. PLAINTIFF Mr. Washington taught at very few schools with majority "white" students.
591. At majority of the schools PLAINTIFF Mr. Washington taught at, he was the only or one of the only African American male educators in the building.
592. Based on the fact that students don't see many black male educators, PLAINTIFF Mr. Washington was very conscious of his ability to be a positive black role model in students' lives.
593. PLAINTIFF Mr. Washington's teaching philosophy was Postmodernist at heart and similar in ideology to educators like Paulo Freire and Comenius.
594. "Like existentialists, postmodernist teachers work to raise their students' consciousness. While existentialists focus on consciousness about personal choice, postmodernist focus on consciousness about social inequalities by deconstructing traditional assumptions about knowledge, education, schooling, and instruction. They do not regard the school's curriculum as a repository of objective truths and scientific findings to be transmitted to students. It is an area of conflicting viewpoints — some of which dominate and subordinate others." [Allan Ornstein and Daniel Levine. Foundations of Education. pg. 178. 2011.]
595. Paulo Freire (1921-1997) "developed his philosophy of liberation pedagogy while working in a literacy campaign among impoverished illiterate peasants and urban poor in his native Brazil. For Freire, literacy meant more than learning to read and write; it raised people's consciousness about the conditions of their lives, especially those conditions that exploited and marginalized them." [Ornstein. Foundations of Education. 11th ed. pg. 121. 2011.]
596. "[Jan Komensky, known as] Comenius, an early multicultural and international educator, respected religious and cultural diversity but also believed all persons were members of a common human family. He believed that schooling, by cultivating universal knowledge and values, could promote international understanding and peace and create a nonviolent world." [Ornstein. Foundations of Education. 11th ed. pg. 99. 2011.]
597. PLAINTIFF Mr. Washington strongly believed that every student deserved the utmost quality in education and discipline and his teaching style mirrors that of the many exceptional teachers he was privileged to have been taught by growing up in the South.
598. PLAINTIFF Mr. Washington was well received by most of the students he worked with and had a special way of connecting with students, even if he had to address students who were violating classroom rules.
599. Although schools are required by law to share student IEPs with their teacher, PLAINTIFF Mr. Washington was rarely given access to these important documents.
600. In many of the classes PLAINTIFF Mr., Washington taught, many of the students were below grade level and were unable to complete assignments and demonstrate proficiency in reading, writing and math.
601. There is an expectation in the 21st century, at least at DEFENDANT NYCDOE public schools, for teachers to have excellent classroom management and to teach differentiated lessons for each subject.
602. Whether working with three-year-olds or high school seniors, PLAINTIFF Mr. Washington overall teaching style never changed.
603. At all relevant times, PLAINTIFF Mr. Washington was fair, reasonable, respectful, and relatable.
604. PLAINTIFF Mr. Washington built strong relationships with his students, and not only that, inspired and challenged them to become better students and human beings.

605. PLAINTIFF Mr. Washington had long-term teaching assignments and led classes, even with the teacher present.
606. PLAINTIFF Mr. Washington created lesson plans, graded classwork and homework, held parent-teacher conferences and other things outside of what he was required and paid to do.
607. Compared with other substitutes and teachers, PLAINTIFF Mr. Washington went over and beyond in performing his job duties.
608. Many teachers, paraprofessionals and administrators praised PLAINTIFF Mr. Washington for his teaching abilities and classroom management.
609. Many of the classrooms throughout DEFENDANT NYCDOE contain students with varying levels of aptitude and abilities.
610. One of PLAINTIFF Mr. Washington's consistent observations at the schools he worked at, was the out of control behavior of students that went largely unaddressed by administration.
611. Talking back, cursing and cellphone usage during class was commonplace amongst students at most middle and high schools.
612. It is pretty commonplace for teachers to raise their voice in order to manage and control disruptive student behaviors.
613. "According to the Primary Sources: 2012 report, more than half of teachers wish they could spend less time disciplining students throughout the day. Time spent disciplining students takes away from the primary reasons many of us went into teaching: to help kids learn and grow." [Brad Weinstein. "The Relationship Between Behavior and Academics." Behavior Flip's Blog. March 9, 2019. <https://blog.behaviorflip.com/the-relationship-between-behavior-academics/>.]
614. "In April 2015, the New York City Department of Education modified its discipline code and added an extra step to the process for suspending students from school. Principals are now required to receive authorization from the DOE before suspending students in grades K through 2 for any behavior or any student of any age for incidents involving insubordination, such as cursing at a teacher or refusing to leave a classroom. The change was made in an effort to move away from overusing suspensions and toward alternative disciplinary measures that address the root causes of disruptive behavior." [Carmen Russo. "DeBlasio School Discipline Policy Shift Causes A Stir." Gotham Gazette. <https://www.gothamgazette.com/6360-de-blasio-school-discipline-policy-shift->.]
615. "The relationship between academic and behavior problems is a long recognized phenomenon (Alexander, Entwisle, & Horsey, 1997; Hinshaw, 1992). In their meta-analysis, Maguin and Loeber (1996) found that poor academic performance appears to be related to frequency, persistence, and seriousness of delinquent activity. A more recent study (Joffe & Black, 2012) revealed that those with low academic performance had significantly greater social, emotional, and behavioral difficulties." [Brad Weinstein. "The Relationship Between Behavior and Academics." Behavior Flip's Blog. March 9, 2019. <https://blog.behaviorflip.com/the-relationship-between-behavior-academics/>.]
616. PLAINTIFF Mr. Washington witnessed dozens of licensed teachers who struggled to manage their classrooms.
617. There's an adversarial system for student complaints against teachers, but very little structures are in place to address inappropriate student behavior that disrupts class and the teacher's ability to teach differentiated lessons to a classroom of students are varying academic levels.
618. As a result, students have more first amendment rights than teachers throughout DEFENDANT NYCDOE public schools..
619. Each year, one or two false complaints would be made against Mr. Washington by students, their parents and/or colleagues.
620. Instead of addressing and helping correct student behavior, DEFENDANT NYCDOE's administration, often times, was nowhere to be found, making it difficult for teachers to teach and creating situations that would later be used against the teacher when trying to address and correct problematic student behavior.
621. PLAINTIFF Mr. Washington was never terminated by DEFENDANT NYCDOE for any disciplinary infractions.
622. Due to the false allegations, PLAINTIFF Mr. Washington regularly took notes to document his workday.

c. PLAINTIFF Mr. Washington's Termination From P.S. 250

623. After all schools were shut down due to alleged increases in COVID rates of infection, Mr. Washington accepted a job at P.S. 250, an elementary school located in his neighborhood of Williamsburg, Brooklyn.
624. Both the principal, Jill Amott, and vice-principal, Rosecindy Siegel, were "white" women who lived in Long Island, New York.
625. Amott oversaw a racially segregated, underperforming school and maintained a racially segregated workforce where African American males were practically nonexistent, except as custodians and lunchroom workers.
626. According to DEFENDANT NYCDOE's data, the racial composition of P.S. 250's students were: 8% Asian, 12% Black and 80% Hispanic or Latinx. **See Exhibit D.**
627. For the 2018-2019 school year, 25% of students at P.S. 250 "met State standards on the State English test" and 37% "met State standards on the State math test." **See Exhibit D.**
628. For the 2018-2019 school year, the percentage of students at P.S. 250 classified as "proficient" following the New York State ELA test decreased from 29% (third grade) to 23% (fifth grade). **See Exhibit D.**
629. For the 2018-2019 school year, the percentage of students at P.S. 250 classified as "proficient" following the New York State math test increased from 35% (third grade) to 41% (fifth grade). **See Exhibit D.**
630. For the 2018-2019 school year, 86% of fifth graders at P.S. 250 were classified as "proficient" in science. **See Exhibit D.**

631. At no time during PLAINTIFF Mr. Washington's employment at P.S. 250 was he aware at how poorly the school's students performed their NY State ELA and Math exams.
632. PLAINTIFF Mr. Washington was a frontline worker and taught in-person at P.S. 250 for majority of the 2020-2021 school year.
633. On his first day, the principal, DEFENDANT Amott, asked PLAINTIFF Mr. Washington to work for the remainder of the school year.
634. PLAINTIFF Mr. Washington was the only African American teacher teaching in-person at P.S. 250 during the 2020-2021 school year.
635. PLAINTIFF Mr. Washington was originally supposed to work at P.S. 250 for a few days, but Amott, who had been looking for a long-term substitute, asked the plaintiff if he wanted to remain at the school as a long-term substitute teacher in a third grade ICT class.
636. While working at PS 250 during the pandemic year, PLAINTIFF Mr. Washington was practically set up to fail.
637. PLAINTIFF Mr. Washington was never allowed to see the IEPs of any of these students, although it was required by law.
638. For reasons largely out of PLAINTIFF Mr. Washington's control, he was moved twice to different classrooms by DEFENDANT Amott.
639. P.S. 250's administration also took the side of largely white and/or Hispanic adult staff who were underperforming and/or spent considerable time on their phones during class hours.
640. PLAINTIFF Mr. Washington was moved from his original third grade class, because he complained of being micromanaged by his co-teacher — an older "white" woman — who was an overall poor teacher that was unable to adapt with many of the changes brought on by the "pandemic."
641. None of the students in this class were "white."
642. At one point during the class, the co-teacher decided to reteach a lesson, telling the students that she felt she hadn't done a good job the day before.
643. In the third-grade class that Mr. Washington co-taught, he worked with a veteran teacher who was making a salary close to six figures but did substantially less than work than he did.
644. Throughout the school year, administration observed PLAINTIFF Mr. Washington's classes once,
645. That observation was the direct result of PLAINTIFF Mr. Washington speaking to DEFENDANT Amott about the problems he was having working with his third grade co-teacher.
646. PLAINTIFF Mr. Washington sought for administration to also provide solutions for working with his co-teacher.
647. DEFENDANT Amott observed PLAINTIFF Mr. Washington's lesson, decided to teach a 5 minute mini lesson and was supposed to give Mr. Washington, as well as the co-teacher, feedback but never did.
648. DEFENDANT Amott moved PLAINTIFF Mr. Washington to a fifth grade ICT class.
649. PLAINTIFF Mr. Washington was never allowed to see the IEPs of any of these students, although it was required by law.
650. In the few weeks PLAINTIFF Mr. Washington was a co-teacher in the class, he made many observable improvements to the class containing majority students that were below grade level.
651. The class had two, new international students and they both performed better in reading, writing and math than majority of their American classmates.
652. After one parent complained that PLAINTIFF Mr. Washington was giving too much homework, Amott decided to move him to another classroom.
653. Throughout the entire school year, PLAINTIFF Mr. Washington also covered lunch duty on alternate days for kindergarten and first grade.
654. In or around the time of the parent's complaint about homework, a student in the first-grade class threatened to kill one of their classmates.
655. As a result, Amott moved PLAINTIFF Mr. Washington to co-teach in the first grade ICT class.
656. PLAINTIFF Mr. Washington remained in this classroom for the remainder of the year.
657. PLAINTIFF Mr. Washington was never allowed to see the IEPs of any of these students, although it was required by law.
658. Although there were a couple student complaints by problematic students in the classroom, PLAINTIFF Mr. Washington made a noticeable, positive impact on the students in the class and their behavior drastically improved.
659. For a significant part of the last half of the school year, Amott did not physically show up to school.
660. For the second half of the school year, Amott never observed the fifth and first grade classes PLAINTIFF Mr. Washington taught.
661. Many teachers that Mr. Washington worked with at P.S. 250 did not give sufficient homework, would not help students correct their work, etc.
662. In each of the three classes PLAINTIFF Mr. Washington taught, majority of the students were below grade level in reading, writing and math.
663. Near the end of the school year, Amott asked in-person employees if they were interested in teaching during DEFENDANT NYCDOE's Summer Rising program.
664. PLAINTIFF Mr. Washington expressed interest working during the Summer Rising program and was offered a job by Amott.
665. PLAINTIFF Mr. Washington was unable to attend the Summer Rising teacher meeting where classroom assignments were distributed, but Amott chose to assign PLAINTIFF Mr. Washington — the only substitute teacher — to a self-contained class with grades 3rd through 5th.

666. Amott assigned all of the licensed teachers to classrooms with one grade.
667. PLAINTIFF Mr. Washington was expected to prepare and teach differentiated lessons to his students.
668. Amott nor P.S. 250 provided PLAINTIFF Mr. Washington with the IEPs of students in his class, which is required by law.
669. PLAINTIFF Mr. Washington had to manage disruptive personalities and pretty odd behaviors in this class and he never raised complaints about these students to administrators.
670. On average, four students would show up to class each day.
671. On the days one student, Jane Doe, came to class, she refused to participate in class, refused to complete any classwork and was an all-around dark and negative individual, albeit very smart.
672. Another student, Jane Doe No. 1, repeatedly disrupted PLAINTIFF Mr. Washington while he tried to teach, speaking out of turn and speaking on behalf of other students, but when time to answer a question related to class, she would claim to not know the answer.
673. Jane Doe No. 1's mother was under the wrong impression that the Summer Rising program were purely a summer camp and complained that she didn't want her daughter being asked to complete classwork.
674. Acting principal, Mr. Budhu, took a meeting with PLAINTIFF Mr. Washington regarding Jane Doe No. 2 and told him that if her mother didn't want her to learn, to let her sit in class and do nothing.
675. PLAINTIFF Mr. Washington was in disbelief and did not agree, although he did not object verbally.
676. During the same meeting, Mr. Budhu expressed to PLAINTIFF Mr. Washington that up until that time, he'd thought that Mr. Washington was a licensed teacher – not a substitute – based on the way that he carried himself and his classroom.
677. A week or two later, the parent of another student, John Dee, complained about Mr. Washington.
678. P. S. 250's administrators never interviewed the two paraprofessionals that were assigned to PLAINTIFF Mr. Washington's class – Ms. Nora and Ms. Shekinah.
679. The details of this complaint were never shared with PLAINTIFF Mr. Washington and the adult paraprofessionals in the classroom were never interviewed as part of the school's investigation.
680. PLAINTIFF Mr. Washington switched classrooms with a teacher covering 5th grade.
681. On PLAINTIFF Mr. Washington's first day in the new class, he asked the high school interns to stay off their phones and one of the adult paras questioned him, causing an unnecessary exchange in front of the students.
682. On more than two separate occasions, PLAINTIFF Mr. Washington complained to Rosecindy and Amott about the cellphone usage of the paras (2) and high school interns (3) that stayed in his class during the academic portion of the program.
683. On the day PLAINTIFF Mr. Washington e-mailed Rosecindy and Amott to do a walk through on the class so they could see staff on their phones during class, they both came up to the classroom at the end of the school day and asked PLAINTIFF Mr. Washington to meet with them at the end of class.
684. Those present at the August 3, 2021 meeting with PLAINTIFF Mr. Washington were Amott, Rosecindy and Mr. Budhu.
685. Amott proceeded to tell PLAINTIFF Mr. Washington that he was being terminated from P.S. 250, although no specific reason was given for the decision.
686. Amott referenced the times PLAINTIFF Mr. Washington had to be moved to different classrooms and told PLAINTIFF Mr. Washington that she didn't believe he was a "good fit" for elementary schools although he was well liked by majority of the students at the school and he'd taught at more than 20 elementary schools during his teaching career.
687. No representative from UFT was present during the meeting.
688. PLAINTIFF Mr. Washington did not want to be confrontational, so he accepted the decision and communicated to Amott that he would be addressing this matter with DEFENDANT NYCDOE and the UFT.
689. After the meeting, Mr. Budhu saw PLAINTIFF Mr. Washington in the hallway, offered his condolences and when asked by PLAINTIFF Mr. Washington what he did wrong, Mr. Budhu said he had been accused of engaging in corporeal punishment.
690. PLAINTIFF Mr. Washington was shocked because he never put his hands on a student during the Summer Rising program.
691. PLAINTIFF Mr. Washington went over and beyond for P.S. 250 as a substitute teacher.
692. PLAINTIFF Mr. Washington was always one of the first teachers in the building, spent hours preparing lessons using PowerPoint presentations for third and fifth grades, used his own money to purchase school supplies for students to name a few and did other things to give students a sense of normalcy.
693. Mr. Washington's teaching style and efforts to see all students succeed ran counter to the culture of mediocrity and insubordination P.S. 250's majority "white" administration produced and maintained amongst its predominately melanated student population.
694. The administration at P.S. 250 was more concerned about a black teacher who valued and stressed the importance of taking education seriously and holding students to high standards, than students not being able to demonstrate mastery of core subjects and/or students with disruptive classroom behavior.
695. Less than two hours after being terminated, PLAINTIFF Mr. Washington emailed complaints about his abrupt termination to DEFENDANT NYC OE and UFT.
696. Less than two days later, Amott submitted her resignation letter to DEFENDANT NYCDOE and announced she would become the new principal at an elementary school in Long Island, New York.

697. PLAINTIFF Mr. Washington was allowed to continue working for DEFENDANT NYCDOE the following school day.
698. On November 3, 2021, a representative from DEFENDANT NYCDOE's Office of Special Investigations, Camille Blake, informed PLAINTIFF Mr. Washington's UFT rep that the scheduled interview in regards to the complaint filed against him had been cancelled, and that the "case is now closed."

d. PLAINTIFF Mr. Washington's Termination from NYCDOE For Refusing the COVID-19 Vaccine:

699. "During the spring of 2020, [Anthony Fauci and Bill Gates] carpet-bombed the airwaves bearishly predicting that a 'miraculous vaccine' would stop COVID transmission, prevent illness, end the pandemic, and release humanity from house arrest." [Kennedy, Jr., pg. 70.]
700. On March 22, 2020, Gates states: "Things won't be back to truly normal until we have a vaccine that we've gotten out to basically the entire world." [Kennedy, Jr., pg. 298.]
701. In a lengthy interview with CBS: This Morning, released on April 2, 2020, Gates stated that life after COVID-19 will not be the same "for some time," or at least until the population is "widely vaccinated." He predicted that people's fear of large public gatherings would be closer to normal "once we have the vaccination," possibly 18 months. "Our foundation works a lot on diagnostics and vaccines," Gates said. Vaccine producers are the ones "that can really get things back on track where we're not worried about large public gatherings." "Which activities, like schools, have such benefit and can be done in a way that the risk of transmission is very low? And which activities, like mass gatherings, may be — in a certain sense — more optional? **And so until you're widely vaccinated, those may not come back at all.**" (emphasis added)
702. In an April 2, 2020 interview with Trevor Noah, Gates said, "We'll have a lot of unusual orders until we get the world vaccinated. 7 billion people — that's a tall order, but it is where we need to get to despite a lot of things in between now and then to minimize the damage." He described coronavirus a "naturally caused epidemic" and stated that "there could be epidemics that are worse than that, including ones that aren't naturally caused and are a form of bioterrorism. One thing I feel good about is: This is such a big change to the world, that this time, it won't be like ebola...This time, the tens of billions to have the diagnostics standing by, the vaccine manufacturers standing by, this time we will get ready for the next epidemic."
703. In an interview with FOX News' Chris Wallace on April 5, 2020, Gates stated: "It is fair to say, things won't go back to truly normal until we have a vaccine that we've gotten out to basically the entire world, and so, the best people at the Foundation are all about high volume vaccines."
704. Speaking to reporters at a news briefing on Monday, April 6, 2020, Fauci, "made it clear that despite the current social distancing expiration date, there is no 'going back to normal' until we have a vaccine." [Madison Vanderberg. "Dr. Fauci Says We're Not Going Back To Normal Without A Vaccine Or Treatment" Scary Mommy. April 16, 2020. <https://www.scarymommy.com/fauci-normal-vaccine-treatment/>.]
705. Gates reiterated versions of this message ad nauseum and stated on a April 20, 2020 blog post: "Realistically, if we're going to return to normal, we need to develop a safe, effective vaccine. We need to make billions of doses, we need to get them out to every part of the world, and we need all of this to happen as quickly as possible." [Bill Gates. "What You Need To Know About the COVID-19 Vaccine." Gates Notes. April 20, 2020.]
706. According to Bill Gates, "Vaccines make Covid-19 a largely preventable disease — and a survivable one in all but the rarest cases." [Bill Gates. "Bill Gates: How we can close the vaccine gap much faster next time." CNN. October 13, 2021. <https://www.cnn.com/2021/10/13/opinions/closing-vaccine-gap-faster-bill-gates/index.html>.]
707. Fauci and Gates claimed that vaccination would achieve collective immunity, an end of the crisis and a return to normal life.
708. At the height of the man-made "pandemic," hospitalizations from COVID-19 accounted for less than 1% of those infected.
709. Prior to the release of the COVID-19 vaccine, more than 99 percent of people who contracted coronavirus recovered and many of those people developed natural immunity.
710. PLAINTIFF Mr. Washington worked in-person nearly every day of the 2020-2021 school year without being vaccinated.
711. During the 2020-2021 school year, PLAINTIFF Mr. Washington never tested positive for COVID-19 nor did any of the students in his classroom.
712. Despite the science overwhelmingly supporting that the vaccines were not "safe and effective," schools throughout mostly Democratic states like California and New York, including DEFENDANT NYCDOE, mandated the COVID-19 vaccine.
713. On August 24, 2021 — the day after the Pfizer COVID-19 vaccine was fully approved for individuals 16 years of age and older — the Commissioner of the New York City Department of Health and Mental Hygiene ("Health Commissioner") issued an Order requiring all NYCDOE employees to show proof of at least one dose of vaccination against COVID-19 by September 27, 2021.
714. The Order also applied to "[c]hildren involved in after-school activities that have a higher risk of spreading the virus — including many sports, as well as chorus and band[.]" [Sharon Otterman. "Why a Covid Vaccine Mandate for N.Y.C. Schoolchildren Is Unlikely Soon." The New York Times. May <https://www.nytimes.com/2022/05/10/nyregion/covid-vaccine-mandate-nyc-schools.html>.]
715. Beginning on November 1, 2021, City of New York employees, including DEFENDANT NYCDOE employees, were required to submit proof that they'd received the primary series of the COVID-19 vaccine, per the Health Commissioner's Order.

716. The COVID-19 vaccine requirement applied to "current city and DOE employees, nonpublic school staff, early childcare and daycare staff, prospective City employees, as well as visitors to Department of Education (DOE) school buildings [e.g. parents]."
717. By November 1, 2021, most states and school districts in United States of America did not impose and/or had their COVID-19 vaccine mandates vacated.
718. PLAINTIFF Mr. Washington, along with many others, was terminated for refusing to have an experimental, poisonous bioweapon injected into his body.
719. UFT was also in support of DEFENDANT NYCDOE's decision to vaccinate its workforce and students.
720. On January 4, 2022, it was reported, however, that "[o]ver 38,000 teachers and students in New York City public schools...reported positive COVID tests since the Dec. 24 start of winter recess, representing more virus cases than the entire rest of the school year combined, according to updated figures the education[.]" [Alex Zimmerman. "COVID cases among NYC students and school staff spiked over winter break." Chalkbeat New York. January 4, 2022. <https://www.chalkbeat.org/newyork/2022/1/4/22867408/covid-cases-spike-winter-break-nyc-schools/>.]
721. However, in the "first three months of the school year, through Dec. 23, nearly 23,000 staff and students tested positive." [Id.]
722. It was futile for PLAINTIFF Mr. Washington to file because DEFENDANT NYCDOE refused to grant religious exemptions for majority of its employees.
723. Although PLAINTIFF Mr. Washington believes in God, he is not "religious."
724. People classified as "white" have absolutely no [religious] authority over people of African descent.
725. Judaism, Christianity nor Islam originated in Europe.
726. None of the characters mentioned in the Torah, Bible or Quran were "white," including but not limited to: Adam & Eve, Abraham, Moses, Jesus or Mohammed.
727. In a September 2021 press release, City of New York's Independent Budget Office announced: "New York City is set to receive \$7.3 billion in federal education aid to assist the city's school system in its recovery from the impacts of the Covid-19 pandemic. The relief, which comes from two separate stimulus packages—the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) and American Rescue Plan Act (ARPA), must be spent by the end of fiscal year 2025. These funds are in addition to \$721 million the city received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act in 2020. Unlike the federal funding from the CARES Act, which New York State used to supplant its own education aid for the city, the new relief funds are supplemental." ["How The Mayor Plans to Use Billions In Covid-Related Aid For Schools." Independent Budget Office of the City of New York. September 2021. <https://ibo.nyc.ny.us/iboreports/federal-assistance-how-the-mayor-plans-to-use-billions-in-covid-related-aid-for-schools-fiscal-brief-september-2021.html>.]
728. As reported by The Post on February 15, 2022: "The Department of Education has allocated well over a quarter billion dollars to cover gaping school budget deficits tied to ongoing student enrollment declines. The DOE will give city public schools a total of \$323 million dollars this year to help them cover basic costs — including teacher salaries, according to a memo. The mammoth expenditure 'allocates funding to schools in order to offset budget declines resulting from the SY 2021-2022 mid-year adjustment,' according to the agency. Since funding is calculated by student population, principals confronted with steep drops are unable to meet costs without additional funding."
729. In July of 2022, Adams announced a \$1.5 million grant from Pfizer Inc. "to the Mayor's Fund to Advance New York City — with funds earmarked for science, technology, engineering, and math (STEM) educational programs for middle and high school students." ["Mayor Adams, Mayor's Fund, and Pfizer Announce \$1.5 Million Grant to Boost City's Stem Education Efforts for Middle and High School Students." NYC.GOV. July 11, 2022. <https://www.nyc.gov/office-of-the-mayor/news/487-22/mayor-adams-mayor-s-fund-pfizer-1-5-million-grant-boost-city-s-stem-education>.]
730. It was argued on February 10, 2023, by attorney John Bursch, that DEFENDANT NYCDOE flagged the names of unvaccinated employees and sent that information to FBI. [Bailee Hill. "Fingerprints of unvaccinated NYC teachers reportedly sent to FBI with 'problem codes': 'Invasion of privacy.'" FOX News. February 14, 2023.]
731. Upon learning of this information, PLAINTIFF Mr. Washington suspects he was also flagged when he legally challenged institutionalized racism in the U.S. and Hollywood.

V. Retaliation:

a. DEFENDANT NYCDOE's Refusal to Investigate PLAINTIFF Mr. Washington's Claims of Racial Discrimination:

732. Immediately following PLAINTIFF Mr. Washington's termination from P.S. 250, he filed multiple complaints with DEFENDANT NYCDOE, his union UFT, the Department of Education and the Equal Employment Opportunity Commission ("EEOC").
733. Internally, PLAINTIFF Mr. Washington filed numerous complaints against Amott.
734. PLAINTIFF Mr. Washington submitted a complaint to then-NYCDOE Chancellor, Meisha Ross Porter, on August 3, 2021.
735. PLAINTIFF Mr. Washington submitted a complaint (SCI Case #2021-2981) to the Special Commissioner of Investigation For the New York City School District [Intake@nycsci.org] on August 5, 2021.

736. The complaint was forwarded to Office of Equal Opportunity (OEO) on August 5, 2021 by asklegal@schools.nyc.gov.
737. On August 5, 2021, PLAINTIFF Mr. Washington forwarded his complaint against Amott and P.S. 250 to Dr. Nyree Dixon — acting Superintendent for District 14.
738. Dr. Dixon identifies as an African American male.
739. On August 18, 2021, Dr. Dixon acknowledged that he'd received PLAINTIFF Mr. Washington's e-mail and stated, "In addition, I have filed a complaint on the Principal per legal directives."
740. On August 18, 2021, PLAINTIFF Mr. Washington informed Dr. Dixon that DEFENDANT Amott resigned two days after terminating him, and on that same day, Dr. Dixon replied, "I am aware. However, I still placed an investigation."
741. On October 18, 2021, PLAINTIFF Mr. Washington e-mailed Dr. Dixon requesting an update on his investigation and Dr. Dixon stated, in part: "As I shared previously a complaint was made against Principal Amott. The investigation unit would be able to share an update."
742. On October 18, 2021, Dr. Dixon wrote: "Good evening! As I shared previously a complaint was made against Principal Amott. The investigation unit would be able to share an update."
743. In response, PLAINTIFF Mr. Washington wrote: "Okay. Can you please provide me the name of the investigation unit and I will reach out to them for an update regarding my complaint? Also, not sure if you have already, but please look into the science showing the link between autism in children and vaccines. I am appalled by what I am reading and the studies further explain why emotional and behavioral disorders in children have been on the rise. You all have made a grave mistake with your [mandatory] vaccination requirements..."
744. On August 5, 2021, PLAINTIFF Mr. Washington forwarded his complaint to Chancellor LaShawn Robinson.
745. On August 5, 2021, PLAINTIFF Mr. Washington forwarded his complaint to Judy Nathan, Senior Executive Deputy Counsel for DEFENDANT NYCDOE.
746. On October 5, 2021, SCI Intake Unite wrote: "Please be advised that the information you reported has been reviewed by the Office of the Special Commissioner (SCI) and the decision has been made to refer the matter to the Chancellor's Office of Special Investigations (OSI) and to the Office of Equal Opportunity (OEO) for appropriate action. You can contact OSI at 718-935-3800 and OEO at 718-935-3320 for further information."
747. On February 17, 2022, PLAINTIFF Mr. Washington received an e-mail from Adriene Grimes of DEFENDANT NYCDOE's Office of Equal Opportunity & Diversity Management ("OEO"), informing him that they were "in receipt of information indicating that [he] may have a complaint of discrimination or sexual harassment." **See Exhibit E.**
748. Grimes stated that the "OEO investigates allegations of discrimination and sexual harassment pursuant to Chancellor's Regulation A-830."
749. On March 8, 2022, PLAINTIFF Mr. Washington wrote to Dixon: "Since e-mailing you seven months ago, no one you referred my complaint do has properly investigated my claims. Thus, a detailed complaint has now been filed with the EEOC, which is attached below. I even quote you as well! I didn't realize how bad things were while employed, but the NYC DOE's intentionally unlawful and historically racist policies and practices are both unconscionable and appalling. Just know, when I'm finished, this institution, as well as the state of education in America as a whole, will be dramatically different — for the betterment of all people. Forward this to your legal counsel so they can get their lies and denials ready."
750. On March 8, 2022, Dixon replied: "Thank you for your email. Your complaint was forwarded as I was brand new when this was brought to my attention. I reported the Principal myself to the proper authorities. I am looping in our legal counsel and ES Watts."
751. On March 9, 2022, PLAINTIFF Mr. Washington for Dixon to "[f]orward [the complaint] to Chancellor David Banks as well."
752. On June 26, 2023, PLAINTIFF Mr. Washington e-mailed Dixon and Brooklyn Executive Superintendent Karen Watts: "Why haven't I ever been informed of the results of this investigation into my complaint against Amott? Do you really think you all are going to waste my time and I'm going to let this slide? Wrong black man here."
753. PLAINTIFF Mr. Washington did not research DEFENDANT NYCDOE's history of racism and racial exclusion until after filing his August 3, 2021 complaints with UFT and DEFENDANT NYCDOE.
754. DEFENDANT NYCDOE, like all other businesses and institutions, must comply with Title VII, NYCHRL and additional antidiscrimination laws.
755. In the same way PLAINTIFF Mr. Washington was not afforded due process by Amott, he was not afforded due process by DEFENDANT NYCDOE, DOE, UFT and the EEOC.
756. For nearly three years, DEFENDANT NYCDOE, UFT, DOE and EEOC did everything in their power to downplay PLAINTIFF Mr. Washington's legitimate claims of discrimination and to deprive him of his unalienable, human, constitutional and civil rights.
757. In violation of Title VII and other antidiscrimination laws, each institution responsible for investigating PLAINTIFF Mr. Washington's claims maintains a workplace that is overrepresented by whites and/or maintains occupational segregation based on race and/or color.
758. Employees of DEFENDANT NYCDOE, DOE and EEOC are employees of the government, and their salaries are paid for by US taxpayers and must uphold the U.S. Constitution.

759. PLAINTIFF Mr. Washington's efforts to correct this historical injustice is what various so-called civil rights divisions and institutions are paid to do.
760. Given that each institution employs attorneys who are tasked with goal of making sure schools and businesses comply with our nation's antidiscrimination laws, this longstanding issue should have been corrected before PLAINTIFF Mr. Washington was employed by DEFENDANT NYCDOE.
761. These various institutions have ignored the law and deprived PLAINTIFF Mr. Washington of his constitutional right to due process in order to ensure no unfavorable decision is made against DEFENDANT NYCDOE.

b. Advancing Frivolous Defenses to EEOC:

762. The Equal Employment Opportunity Commission ("EEOC") "is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information." ["Overview." EEOC. <https://www.eeoc.gov/overview>.]
763. "The EEOC has the authority to investigate charges of discrimination against employers who are covered by the law." [Id.]
764. According to the EEOC, its "role in an investigation is to fairly and accurately assess the allegations in the charge and then make a finding."
765. The most frequently filed claims with the EEOC are allegations of race discrimination, racial harassment, or retaliation arising from opposition to race discrimination. [EEOC.]
766. In DEFENDANT EEOC's literature on E-Race, they state in their section "What Will EEOC Do?," it states: "To combat race and color discrimination in the 21st century workplace, EEOC will: Identify issues, criteria and barriers that contribute to race and color discrimination in the workplace; Explore strategies to improve the administrative processing and litigation of race and color discrimination claims; Enhance public awareness of the persistence race and color discrimination in employment; and Strengthen partnerships with employee advocates, state and local human rights commissions, human resource professionals, and employer groups to address race and color discrimination in the workplace and promote inclusion of employees of all races." [EEOC.]
767. In 2005, EEOC established the Systemic Task Force ("Task Force") to evaluate how the EEOC addressed systemic discrimination. [EEOC.]
768. In February of 2007, the EEOC publicly claimed to be committed to investigating pattern and practice claims of discrimination with the launch of its E-RACE Initiative (Eradicating Racism And Colorism from Employment) program. ["EEOC TO LAUNCH E-RACE INITIATIVE AT COMMISSION MEETING WEDNESDAY." EEOC. February 22, 2007. <https://www.eeoc.gov/newsroom/eeoc-launch-e-race-initiative-commission-meeting-wednesday>.]
769. On August 9, 2021, PLAINTIFF Mr. Washington forwarded his complaint to EEOC, including Judy Keenan and Jeffrey Burstein.
770. The next day, on August 10, 2021, Burstein wrote: "Mr. Washington, as the Regional Attorney for EEOC's New York District, I have no involvement in processing EEOC charges. I have forwarded your email to the District's intake unit, and an investigator will be contacting you to complete your charge."
771. In response, PLAINTIFF Mr. Washington wrote: "Cool. When is your organization going to finally address and actively combat the longstanding issue of systemic and institutionalized racism that exists throughout numerous industries and companies in NYC and the entire nation, resulting in the 'inexorable zero' and/or a gross underrepresentation of qualified African Americans in the workplace? For example, William Morris Endeavor Entertainment and numerous other talent agencies based in NYC. The EEOC has allowed these companies to maintain their racially discriminatory practices, policies and procedures and has clearly forgotten why Title VII was passed in the first place. It's time for this organization to help breathe new life into an eviscerated statute that is now on life support."
772. After a month elapsed without a response, PLAINTIFF wrote to Burstein on September 9, 2021: "Crickets. Your silence speaks volumes and given the historical nature of this issue, it is not surprising. Just know: African Americans will not allow this to continue for much longer. Transformative change is going to take place whether you all want it to or not."
773. An unknown employee of EEOC emailed PLAINTIFF Mr. Washington on September 2, 2021, stating, "From the information you provided in your e-mail, it does not appear that your situation is covered by the laws we enforce." They told me to contact the Department of Education.
774. EEOC assigned investigator Christiana Doriety to the case.
775. Doriety is a non-black woman and upon information and belief, classifies herself as Hispanic.
776. On January 25, 2022, PLAINTIFF Mr. Washington forwarded Doriety the complaint that had been filed with UFT and DEFENDANT NYCDOE.
777. On March 7, 2022, PLAINTIFF Mr. Washington filed a 63-page complaint, proving "why the NYC DOE and P.S. 250's racially stratified organizational structure and historically discriminatory employment practices, policies and procedures constitute crimes against humanity, acts of genocide, fraud, conspiracy and intentional violations of the Civil Rights Act of 1964 and additional civil & human rights laws."

778. PLAINTIFF Mr. Washington's complaint also proved "how the NYC DOE's unlawful employment practices, including but not limited to its mandatory COVID-19 vaccine mandate, discriminate against African Americans as a class and myself individually, on the basis of race, color, perceived national origin and/or sex."
779. DEFENDANT NYCDOE was represented by attorney and General Counsel Liz Vladeck.
780. Vladeck received her J.D. from Columbia Law School, specializing in "Domestic and International Labor and Employment."
781. Upon completing her law degree, Vladeck moved to Russia, "providing legal assistance to Russian dockworkers seeking to act collectively and exercise their rights."
782. Vladeck formerly held the title of Deputy Commissioner of the new Office of Labor Policy and Standards (OLPS) under the DeBlasio administration.
783. Prior to Vladeck's appointment in October of 2021, DEFENDANT NYCDOE did not make Vladeck's position publicly available.
784. Majority of DEFENDANT NYCDOE's employees in its legal department are classified as "white."
785. On May 9, 2022, DEFENDANT NYCDOE submitted their position statement.
786. Vladeck summarizes PLAINTIFF Mr. Washington's claims as: "he suffered discrimination as an "American born male of African descent" in connection with (1) his classroom assignments at P.S. 250 the Williamsburg Magnet School for Communication and Multimedia Arts ("P.S. 250" or the "School") during the 2020-2021 school year; (2) his termination from the School's Summer Rising program a week before the program ended; (3) the New York State Department of Education's ("SED's") teacher certification requirements; (4) the racial composition of students and fulltime teachers at NYCDOE schools and schools throughout the United States; and (5) the New York City Department of Health and Mental Hygiene Commissioner's Order requiring all NYCDOE employees to show proof of at least one dose of vaccination against COVID-19."
787. In the next section, titled "Statement of Facts," Vladeck begins the section discussing PLAINTIFF Mr. Washington's case against William Morris, stating "he neglects to mention that his conduct in those proceedings resulted in \$43,707.60 in sanctions and a district court order enjoining him from, among other things, commencing any action relating to his prior employment without leave of court."
788. In the next two subsections, Vladeck discusses PLAINTIFF Mr. Washington's long-term substitute teaching assignment at P.S. 250 and his employment during the Summer Rising Program.
789. Regarding PLAINTIFF Mr. Washington's termination from P.S. 250, Vladeck argued, in part: "Eventually, given the number of incidents involving Charging Party in a relatively short amount of time, Principal Anott determined that Charging Party was not a good fit at the School's Summer Rising program and terminated him on August 3, 2021, approximately one week before his per session employment was set to conclude on August 13, 2021."
790. In the second to last subsection titled "Return to In-Person Learning and Vaccine Mandate," Vladeck argued, in part: "While schools have resumed in-person instruction, COVID-19 remains a highly infectious and potentially deadly disease that spreads easily from person to person. New York City — a dense metropolis—has been hit particularly hard, experiencing nearly 2 million cases and more than 40,000 deaths. The need for greater vaccination coverage remains urgent, especially with the emergence of more transmissible variants, steep rises in infections at different points in time (including recently), and increases in hospitalizations and pediatric cases in areas with lower vaccination rates. Vaccination is crucial to a matter of pressing public significance: the conditions for safely conducting in-person, full-day public education during the continuing COVID-19 pandemic. Indeed, the U.S. Centers for Disease Control and Prevention ("CDC") has recommended that teachers and school staff be "vaccinated as soon as possible" because vaccination is "the most critical strategy to help schools safely resume full operations."
791. Instead, in Vladeck's last subsection, she pretends to summarize PLAINTIFF Mr. Washington's "other allegations" as follows: "The remaining allegations in Charging Party's 62-page Charge are difficult to discern. He argues that unspecified policies have resulted in a dearth of "African American males[] employed throughout the schools in [New York] city and nation as a whole" and that "most school districts throughout the nation, including the NYCDOE, have intentionally refused to [desegregate]." See Charge at 4. He takes issue with "Racist Curriculum . . . [n]ot teaching about the history of the Freemasons and Illuminati." Id. at 5. He challenges the SED teacher certification requirement as discriminatory, while simultaneously professing to have never attempted to meet them. See Charge at 23 ("Due to the fact that I am in considerable student loan debt, I could not afford and did not want to go back to school to get a teaching license. . . ."), 36-37. He complains that the "NYCDOE has afforded students with more first amendment rights than teachers" and, ironically, that he has "had frivolous complaints filed against [him]." Id. at 28. And he asserts that he was not hired for unspecified, non-teaching positions at NYCDOE, though he concedes he was not qualified for them. See Charge at 41 ("Just because I may not have had the exact job experience sought. . . .").
792. In response to PLAINTIFF Mr. Washington's EEOC complaint, DEFENDANT NYCDOE and Vladeck argued that his claims were "meritless" and should be dismissed because (1.) PLAINTIFF Mr. Washington's claims were untimely and (2.) he "failed to plead a discrimination claim and cannot establish a prima facie case of discrimination."
793. Regarding defense two, Vladeck states: "[E]ven assuming that Charging Party had properly stated discrimination claims, any such claims must fail because he cannot show that he suffered an adverse employment action under circumstances giving rise to an inference of discrimination...Charging Party cannot show that he suffered an adverse employment action in connection with his August 3, 2021 early termination from P.S. 250's Summer Rising program. Charging Party remained at all times a substitute

- teacher, and NYCDOE offered him an alternative substitute assignment the very next day. Charging Party is also unable to establish an adverse employment action based on the mere fact that the School received and investigated student-based complaints against him. *Weeks v. New York State (Div. of Parole)*, 273 F.3d 76, 86 (2d Cir. 2001) (A disciplinary or counseling memo which criticizes an employee without any effect on working conditions does not constitute an adverse employment action.), abrogated on other grounds by *Nat'l RR. Passenger Corp. v. Morgan*, 536 U.S. 101, 108-14 (2002). Charging Party's only arguable adverse employment action is his present ineligibility for substitute service due to his vaccination status—a lawful condition of employment.”
794. Vladeck then states: “Second, Charging Party is unable to show circumstances giving rise to a reasonable inference of discrimination. Principal Amott justifiably terminated Charging Party in response to multiple student complaints and his interpersonal difficulties with staff and volunteers at the program.”
795. DEFENDANT NYCDOE never refuted the historical and statistical evidence presented by Mr. Washington.
796. Vladeck's arguments were disingenuous because had “white women” been underrepresented throughout DEFENDANT NYCDOE's schools and its administration, she would not have raised the same argument.
797. Vladeck never refuted the pyramid of evidence presented by PLAINTIFF Mr. Washington proving that the COVID-19 vaccines were not “safe and effective.”
798. Vladeck is being duplicitous and her unethical actions violate the New York Rules of Professional Conduct, New York Judiciary Law § 487 and additional laws.
799. On May 31, 2022, PLAINTIFF Mr. Washington submitted his Reply.
800. The Department Of Education (“DOE”) has a civil rights division, called the Office of Civil Rights (OCR), which is tasked with the responsibility of ensuring that our public schools are acting in compliance with our nation's antidiscrimination laws.
801. On September 2, 2021, Mr. Washington filed a complaint against DEFENDANT NYCDOE with the US Department of Education, Office for Civil Rights.
802. On August 22, 2022, the Department of Education's Office of Civil Rights issued its final decision without conducting an investigation, and in part, transferred PLAINTIFF Mr. Washington's Title VII claims to the EEOC.
803. PLAINTIFF Mr. Washington repeatedly asked for DEFENANT EEOC to expedite its decision since he had already requested an oral hearing, the decision could be appealed and the merits of the case had to ultimately be decided by an impartial jury.
804. On October 26, 2022, PLAINTIFF Mr. Washington wrote Doriety, stating: “I am looking for an update on the status of my complaint. Not sure if you're aware, but after a year, the U.S. Department of Education decided to forward part of my complaint to your agency. What a waste of time! Typical racist behavior! I know the EEOC typically takes a long time to render decisions and dismisses most discrimination complaints. I know all of my claims are legitimate no matter what the EEOC decides, so I am seeking for the EEOC to issue an expedited decision on the matter so the parties can have their hearing and any other proceeding allowed to ensure due process and equal protection under the law. Too much time is being wasted and NYC DOE is still imposing vaccine mandates although the conspiracy to orchestrate the COVID-19 pandemic and commit massive genocide is being exposed each and every day...”
805. On November 15, 2022, PLAINTIFF Mr. Washington wrote to Doreity: “I am still awaiting a reply Christiana...”
806. On November 16, 2022, Doriety responded: “How are you? Thanks for your e-mail. Your case is still ongoing... I know you are anticipating to hear a decision from the EEOC, it will be soon but not yet. Your rebuttal had pushed for more further investigation necessary to fully assess the scope needed to make a decision, and this is why it's taking a bit of time. I hope this information helps.”
807. On November 18, 2022, PLAINTIFF Mr. Washington e-mail Doriety, stating in part: “While looking for more evidence to prove my claims of systemic disparate treatment and disparate impact, I came across this webpage from the NYC DOE titled: “Guidance to Foster Ongoing Dialogue and Action About Race and Equity.” [<https://infohub.nyced.org/in-our-schools/programs/race-and-equity>] Their attorney claimed they have no engaged in any unlawful conduct but why would a non racist company complying with Title VII write this: “As the largest school system in the country, we are accountable to addressing the ways in which our institution perpetuates racism and inequities. Accountability is reflecting, understanding biases, prioritizing learning and educating oneself, engaging in conversations with young people, community members, family, and colleagues about race, racism, and racial violence, listening, unpacking the root causes of our current state, and most importantly, taking action against racial injustice”? Blanket denials don't sound like accountability to me, especially when their workforce remains segregated by race and/or color...” **See Exhibit F.**
808. Shortly after sending Doriety the November 18, 2022 e-mail, the EEOC transferred PLAINTIFF Mr. Washington's complaint.
809. On December 14, 2022, Doriety informed the parties via e-mail that the case was being transferred to the EEOC's Miami division.
810. Doriety stated: “The purpose of this letter is to inform you that the instant charge of employment discrimination filed with the EEOC has been transferred to our Miami District Office for processing, and another Equal Opportunity Investigator will be assigned to the case.”
811. PLAINTIFF Mr. Washington was pissed because more than a year had elapsed and this would cause further harmful delay.
812. On December 20, 2022, PLAINTIFF Mr. Washington responded, in part: “I am just getting back to NYC from vacation in Miami and am beyond frustrated after reading about the latest development in my case.”

813. PLAINTIFF Mr. Washington also requested for his case to be transferred to another division, stating: "I am also requesting that this matter be transferred outside of the Miami branch because I've dealt with them in the past (e.g. EEOC investigator Michael Mathelier) and don't trust them at all because I watched them screw over my mother by not considering all of her claims, which later prevented her from pursuing all of her claims in federal court. Following the transfer, I am requesting that the investigator issue an expedited decision, followed by an expedited hearing before an Administrative judge in New York City no later February 17, 2023."
814. On January 3, 2023, PLAINTIFF Mr. Washington wrote to Doriety and Richard Buckley: "Don't think you all are receiving millions in taxpayers funds when you all are incapable of upholding the law and unable to make a finding of discrimination when it's blatant and slaps you in your face. I have worked in two industries throughout my career that have historically remained segregated by race and the EEOC has never done anything about it! What a joke! It's time for this organization to be held accountable for allowing racism to remain rampant throughout the American workplace. You all have absolutely no credibility and this organization will no longer exist and/or will have to change significantly when I take legal action against this racist and corrupt government."
815. On January 9, 2023, PLAINTIFF Mr. Washington asked Doriety and Buckley again: "I also want my case transferred to another office. I have dealt with the Miami office in the past and they are no different than the New York office. Transfer my complaint to another office by the end of the business day."
816. On that same day, Doriety replied: "All EEOC offices run the same and we cannot transfer your case to 'another office', except for Miami for which is made available. You would have gotten the Right to Sue already if I had dismissed your case. Since you're not being cooperative with how long this is taking, then I would suggest you put in a request for the Right to Sue so you could bring NYCDOE to trial."
817. In response, PLAINTIFF Mr. Washington wrote: "'Not being cooperative'? I've been pretty cooperative with you from the beginning until now, so again, stop the games. I specifically asked for an expedited decision, so no, I am not allowing you and the EEOC to pretend to 'investigate' my complaint for nearly a year to then transfer my complaint, make no final decision on the merits and offer to give me a 'Right to Sue' letter. You think I'm going to let you all waste a year of my life without providing a written decision on the matter? You must not be thinking. If that's what I wanted, I would have requested that a long time ago since I already know the games you all play. You all are clearly afraid to make a decision that states the obvious which is why you all are dragging your feet and now trying to harmfully delay a final decision by transferring the case. You already knew you were understaffed when I filed the complaint so it wouldn't take a year to transfer the complaint if that was the true reason. Given that I've dealt with this incompetent office and its investigators before, I don't want any complaint that I file to be handled by those people. This is the same state in which its governor has sought to ban the teaching of 'critical race theory' (which was never being taught in grades Pre-K through 12) throughout its racially segregated schools in order to continue whitewashing history and to keep the masses miseducated. This entire process is tainted with bias and I want my complaint transferred to an ethnically diverse office that I've never dealt with before."
818. PLAINTIFF Mr. Washington sent a second e-mail, stating: "And Richard, your poor leadership is obvious. You must be removed from this extremely important position because institutionalized racism is rampant throughout the state of New York and New York City. This is exactly why racist and/or racially biased white men and women should not be put in positions of power and authority concerning issues of discrimination, especially racial discrimination. Do the state of New York a favor and resign immediately."
819. In response, Doriety wrote: "Many charging parties are aggravated just as you are with us and we understand that but our office, unfortunately, are extremely short-staffed and backlogged. This is the reason why we had to transfer numerous charges over to Miami because they have plenty of investigators who are not backlogged. It is most likely you will receive an outcome much sooner than you would coming from our office. Otherwise, if we did not transfer, many charges would not be completed for at least another year to 2 years, which thereby would cause a further backlog for new incoming charges that need be investigated for discrimination. I truly hope you do understand this and your cooperation would be appreciated. So, please give Miami some time to process your charge transfer and you will be assigned to a different investigator as soon as possible. Let me know if you have any questions or concerns."
820. On February 10, 2023, PLAINTIFF Mr. Washington's request was granted, and his complaint was transferred to the Indianapolis division.
821. On March 27, 2023, PLAINTIFF Mr. Washington sent an email to Michelle Ware, Enforcement Manager, stating: "My name is Marcus Washington and I am reaching out to you after having heard nothing from the EEOC's Indianapolis division after my complaint was transferred to your office from the Miami branch in or around January 2023. Prior to being transferred to the Miami branch, my complaint was before the NY branch for nearly a year. Since there is a strong likelihood that the EEOC will not uphold the law and will allow the NYCDOE to continue maintaining employment practices, policies and procedures that result in systemic disparate impact and disparate treatment against African Americans, I ask the you issue an expedited decision on the issues raised before you no later than April 1, 2023. My patience is running thin. If the EEOC plans to allow another school year to pass without taking any remedial or legal action against the NYC DOE, then I will have no choice than to take legal action against the EEOC as well."

822. On March 30, 2023, DEFENDANT Ware wrote: "Thank you for your email. The Indianapolis District Office is in receipt of your case. Your case is currently assigned to Investigator Twanya Westmoreland. Her direct number is (463) 999-1203. Investigator Westmoreland will reach out to you no later than April 7, 2021. Best, Michelle"
823. Days before the Indianapolis division entered its final decision, PLAINTIFF Mr. Washington received a call from DEFENDANT EEOC's investigator Twanya Westmoreland, inquiring if he had any more evidence to present before a final decision was made.
824. On April 10, 2023, DEFENDANT EEOC dismissed PLAINTIFF Mr. Washington's complaint without reason and issued its Determination and Notice of Rights letter. *See Exhibit A.*
825. DEFENDANT EEOC's determination stated: "The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge."
826. The letter was signed by District Director Michele Eisele.
827. This is the third time PLAINTIFF Mr. Washington has filed a complaint or assisted someone filing a complaint with the EEOC and they failed to impartially to their job and render a decision on the merits.
828. In more than a year, DEFENDANT EEOC has transferred PLAINTIFF Mr. Washington's complaint two times and failed to render a decision.
829. On April 12, 2023, PLAINTIFF Mr. Washington spoke with Twanya Westmoreland.
830. Following the call, PLAINTIFF Mr. Washington wrote Westmoreland, Michelle Eisele and Frederick Brubaker via e-mail: "Thanks for hanging up on me in my face after lying about multiple things. One of the last things you lied about was you saying that my complaint had not be transferred to the Florida branch before being transferred to the Indianapolis branch. Please see the email below. That's one of many things you've told me that was not true." *See Exhibit G.*
831. On April 14, 2023, PLAINTIFF Mr. Washington e-mailed Charlotte Burrows, Jocelyn Samuels, Keith Sonderling, Andrew Lewis and Gwendolyn Reams, stating: "Please see e-mails below and talk to your racist white colleagues. For more than a decade, I've watched the EEOC help eviscerate the substantive strength of our nation's civil rights laws, particularly as it pertains to African Americans in this country, by their refusal to fully investigate claims of racial discrimination filed by African Americans. If these gross errors are not corrected, I will be left with no choice than to sue this federal agency for engaging in a conspiracy to deprive African Americans of their unalienable, human, constitutional and civil rights under the color of law. If this matter goes to court, I will ultimately seek for this agency to be abolished because you all are not living up to your purpose and are doing more harm than actual good given that systemic forms of racism in employment continue to exist and are worsening each year. Based on this fact alone, there is absolutely no reason why this agency receives more than \$360 million a year if they are working to help keep racism alive (race is not a biological reality). If I do not get a response by the end of the month, I will let the courts resolve this longstanding issue."
832. On May 8, 2023, Michelle Ware responded, in part: "Good evening Mr. Washington, we regret your dissatisfaction with the determination that resulted in the Commission's finding. The Equal Employment Opportunity Commission (EEOC) is a neutral civil rights law enforcement agency. Our responsibility is to process the charges filed with us in a fair and objective manner to determine whether the laws we enforce have been violated. While we fully understand that the parties to a charge often have very firm views that the available evidence supports their respective positions, our final determination must comport with our interpretation of the available evidence and the laws we enforce." *See Exhibit H.*
833. On May 9, 2023, PLAINTIFF Mr. Washington e-mailed Michelle Ware, stating in part: "Based on your indifferent response and approval of the EEOC's decision not to complete its investigation into my complaint of intentional violations of Title VII against the New York City Department of Education ("NYC DOE"), you are negligently acting in violation of your duties and the law."
834. DEFENDANT EEOC's employees that were involved in the improper handling of complaint, which resulted in PLAINTIFF Mr. Washington being deprived of his constitutional rights, include: Judy Keenan, Jeffrey Burnstein, Richard Buckley, Christiana Doriety Twanya Westmoreland, Michelle Eisele, Frederick Brubaker, Michelle Ware and Kenneth Bird.
835. It is well settled that the EEOC is ineffective as a regulatory agency in eradicating discrimination from the workplace.
836. Majority of EEOC's investigators are not attorneys and have very little knowledge in antidiscrimination law.
837. Historically, majority of the EEOC's Commissioners and various decision-makers throughout its U.S. branches are "white."

c. DEFENDANT NYCDOE's Refusal to Fully Comply with PLAINTIFF Mr. Washington's FOIL Requests:

838. Throughout the investigations, PLAINTIFF Mr. Washington requested for DEFENDANT NYCDOE to provide him with copies of the complaints that were filed against him.
839. Since DEFENDANT NYCDOE refused to produce documents solely in their possession, PLAINTIFF Mr. Washington filed numerous FOIL requests in an effort to obtain pertinent documents before filing his Complaint in federal court.
840. To prevent PLAINTIFF Mr. Washington from having access to the complaints which resulted in his termination, DEFENDANT NYCDOE's representatives are now claiming that access to these complaints are "denied pursuant to POL § 87(2)(e)(i), which

permits government agencies to deny access to records that are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations. Because OSI # 21-02396X is an active investigation, access to records is denied."

841. If an "active investigation" is on-going, why has PLAINTIFF Mr. Washington still never seen the complaint and never been questioned by police?
842. On January 17, 2023, PLAINTIFF Mr. Washington contacted the NYPD to see if any complaints had been filed against him by DEFENDANT NYCDOE. None have.
843. On January 17, 2023, PLAINTIFF Mr. Washington submitted Request No. 34: "All e-mails between June 29, 2022 and July 29, 2022 which indicate that the NYC DOE's servers were working properly again following a malfunction in or around June 29, 2022."
844. DEFENDANT NYCDOE's claim that they cannot release the complaints filed against PLAINTIFF Mr. Washington because there's an on-going police investigation is untrue.
845. DEFENDANT NYCDOE also falsely claiming that unvaccinated employees were never terminated. **See Exhibit I.**
846. The documents sought by PLAINTIFF Mr. Washington will further prove all of his claims and must be produced before a decision on the merits can be rendered.
847. On October 25, 2023, PLAINTIFF Mr. Washington submitted an extremely detailed appeal, summarizing each request, DEFENDANT NYCDOE's response and an explanation why the documents should be produced. **See Exhibit J.**
848. Although DEFENDANT NYCDOE is supposed to maintain EEO-1 data concerning the racial demographics of its workforce, they have refused to provide PLAINTIFF Mr. Washington with this information.
849. On January 31, 2024, DEFENDANT NYCDOE submitted documents pertaining to Item 1.
850. The various spreadsheets contain all of DEFENDANT NYCDOE's schools and the racial composition of its teacher workforce.
851. This spreadsheet confirms that most of its schools have zero African American teachers employed.
852. For more than a year, DEFENDANT NYCDOE has refused to produce various documents that are exclusively in their possession and UFT refused to help PLAINTIFF Mr. Washington gain access to documents of extreme importance, including but not limited to his employee work file and the complaints filed by Amott and/or P.S. 250.
853. DEFENDANT NYCDOE's actions constitute further evidence of retaliation against PLAINTIFF Mr. Washington for raising complaints of genocide and violations of our nation's antidiscrimination laws.
854. DEFENDANT NYCDOE's decision to violate the Freedom of Information Law ("FOIL"), Public Officers Law § 84, et seq. and 21 NYCRR Part 1401 constitute an obstruction of justice.

d. On August 16, 2023, DEFENDANT NYCDOE Informs PLAINTIFF Mr. Washington For the First Time That There Are "Three Open Investigations" On Him, Thus Barring Him from Employment:

855. On July 5, 2022, PLAINTIFF Mr. Washington e-mailed Camille Blake to get a copy of the complaint that had been filed against him.
856. On July 6, 2022, Blake replied: "As I told Steve yesterday, I cannot provide you with any additional information other than the case is closed. You do have an open case number 21-02396X that is a school based investigation. I informed Steve that you should reach out the principal and or employee relations. You can also reach out to the FOIL unit at the information listed below."
857. In response, PLAINTIFF Mr. Washington said: "Whether it's closed or not, why would I need to submit a FOIL request to see a copy of any complaint filed against me? The principal is no longer at the school so who is handling this frivolous investigation nearly a year after my unlawful termination? To this day, I have never been informed of what I allegedly did or said wrong. This is beyond wrong and this policy will change when it's all said and done. What is the name of your supervisor? Please forward this correspondence to them."
858. Due to alleged investigation, PLAINTIFF Mr. Washington cannot resume teaching for DEFENDANT NYCDOE.
859. On July 8, 2022, PLAINTIFF Mr. Washington sent a follow up e-mail to Blake, stating: "Did you honor my request and forward this matter to your supervisor? I need an update by the end of the day."
860. On that same day, PLAINTIFF Mr. Washington uncovered an article detailing Blake's arrest for drunk driving months after being accused of reeking of pot while on the job.
861. On July 8, 2022, PLAINTIFF Mr. Washington e-mailed a number of DEFENDANT NYCDOE employees, requesting a copy of the complaints filed against him.
862. On August 15, 2023, PLAINTIFF Mr. Washington replied to a May 20, 2022 e-mail from DEFENDANT NYCDOE's Office of Subcentral, informing him that he was "suspended and still ha[d] not provided proof of a COVID-19 vaccination."
863. PLAINTIFF Mr. Washington wrote: "Given that these unlawful and unconstitutional vaccine mandates are no longer in effect, I would like to be made whole, including but not limited to being fully reinstated and allowed to teach for the upcoming 2023-2024 academic school year."
864. In response, an unknown representative of DEFENDANT NYCDOE wrote: "Anyone that was a former employee (sub teacher or sub paraprofessional) will need a new nomination from a principal. The nomination for sub teachers is currently open."

865. In response, PLAINTIFF Mr. Washington wrote: "This is illegal! We were unlawfully terminated and this should have never happened. We want make-whole relief and that does not include starting all over again. I suggest the NYC DOE reconsider its unlawful employment practices because there are way too many lawsuits currently being litigated against this organization and the City of New York for these intentional human rights violations. You all will not prevail and all responsible will be the ones who are jobless in the end."
866. DEFENDANT NYCDOE responded: "We are sorry that you feel that way and you are entitled to your opinion."
867. PLAINTIFF Mr. Washington responded: "You damn right and as an employer, the NYC DOE has to comply with the U.S. Constitution, as well as federal, state and local laws. I am (as well as others are) going to make sure you all are held accountable for your crimes against humanity."
868. On August 16, 2023, DEFENDANT NYCDOE's Office of Subcentral wrote: "While you were terminated due to the then vaccine mandate, *which was a lawful mandate that has now been lifted*, you still have three open investigations from your service as a per diem teacher. Those cases have not concluded and would not have been closed just because of your termination. Two of the cases are being worked on, on the school level and the third is being conducted by the Office of Equal Opportunity & Diversity Management. Until determinations are provided related to these cases, you are not eligible to be reinstated nor renominated as a substitute." (emphasis in original)
869. In response, PLAINTIFF Mr. Washington wrote on August 17, 2023: "That's funny that you write this because I've filed complaints against the NYCDOE with the EEOC and they have never alleged that they have three open investigations (from over two years ago) on me. I have requested a copy of all complaints filed against me and have yet to receive them so now I am asking you to send me those documents because to not do so constitutes a violation of my constitutional right to sue process. This also violates the agreements entered into between the NYCDOE and the UFT. Also, if these frivolous complaints had any legitimacy, why was I allowed to continue teaching after I was wrongfully terminated by PS 250 AND the investigator dropped the complaint shortly before she was scheduled to interview me? And why is it taking the NYCDOE more than two years to complete its investigation (which includes never getting a written statement from me)? Make it make sense."
870. In a second reply, PLAINTIFF Mr. Washington wrote: "And you do know that slavery and Jim Crow were once "lawful" too....so regardless, it doesn't change the fact that these policies still constitute violations of our unalienable and human rights and should've never been mandated in the first place. Make whole relief will have to be provided to all that were wrongfully terminated. This unit also needs to expedite its decisions for each complaint made against me. If not, I will use this as further evidence of retaliation."
871. DEFENDANT NYCDOE replied: "**You were not a fulltime employee at K250, therefore, you could not be terminated by K250.** You were a substitute per diem teacher, employed by the NYCDOE to work where needed or where requested to do so. As stated below, your investigations are not being conducted by this office. We have already reached out to the responsible parties for an update." (emphasis added)
872. In response, PLAINTIFF Mr. Washington wrote: "Since a lawsuit has already been initiated and you're not a lawyer of any sort, it's best that you only state facts to which you are 100% certain about. Please do not try to tell me who terminated me. I was unlawfully terminated from PS 250 less than a week before summer rising ended. You are the one telling me I have three outstanding complaints made against me that have yet to be investigated two years later. I challenged your statement because I still taught at the beginning of the 2021-2022 school year and taught the day after I was terminated from PS250. I was later terminated from NYCDOE, like hundreds of others, for refusing to inject my body with an experimental and harmful substance. So again, since you want to reference three outstanding complaints made against me as to why I wouldn't be able to work, I am demanding a copy of all complaints that were filed against me since I am entitled to that information pursuant to the chancellors regulations and the agreements made between the UFT and the NYCDOE. These documents cannot be kept from me especially when you're trying to argue that my termination was lawful and just. If you're refusing to provide me with this information, please state so in writing and identify yourself so I can add you to the complaint for aiding and abetting in a conspiracy and obstructing justice."
873. DEFENDANT NYCDOE never replied again.
874. On October 14, 2023, PLAINTIFF Mr. Washington wrote: "Please provide me with the complaint reference numbers for each of the three complaints."
875. On October 25, 2023, PLAINTIFF Mr. Washington wrote: "I have yet to be provided with the requested information."
876. On November 22, 2023, PLAINTIFF Mr. Washington wrote: "I am still awaiting copies of the three complaints allegedly filed against me. I have not been working for the NYCDOE for two years now. What's taking so long?"
877. A copy of complaints made against PLAINTIFF Mr. Washington would have been submitted as an exhibit to this document if not for the obstructionist tactics of DEFENDANT NYCDOE.
878. Both UFT and DEFENDANT NYCDOE have been made aware that PLAINTIFF Mr. Washington is seeking access to these documents and no decision should have been rendered in DEFENDANT NYCDOE's favor if these pertinent documents were never produced because they will prove beyond a reasonable doubt that their arguments are pretextual.
879. The UFT has refused to assist PLAINTIFF Mr. Washington in obtaining access to his employee file and/or the complaint that was filed against him and being used to justify his termination.

880. DEFENDANT NYCDOE refuses to release stats reflecting the number of COVID-19 vaccinated employees and students who have been hospitalized and/or died after receiving the vaccine.

VI. A Few Reasons Why DEFENDANT NYCDOE'S Arguments Are Pretextual:

a. Principal Amott Terminated PLAINTIFF Mr. Washington in Violation of Agreements Between DEFENDANT NYCDOE and United Federation of Teachers:

881. Articles 21 and 22 of the Teachers Collective Bargaining Agreement and Article 11 of the Day-to-Day Substitute Teachers Collective Bargaining Agreement supports that Amott mishandled PLAINTIFF Mr. Washington's legitimate complaint against the staff in his classroom should have been resolved.

882. The language in both agreements are similar, so this Amended Complaint will reference the Day-to-Day Substitute Teacher agreement.

883. At the beginning of the section, it states: "An employee's complaint should be presented and handled promptly and should be disposed of at the lowest level of supervision consistent with the authority of the supervisor."

884. Between July 29 and August 2, 2021, PLAINTIFF Mr. Washington e-mailed the acting vice principal Mr. Budhu about the excessive cellphone usage. *See Exhibit K.*

885. I complained verbally to vice principal Rosecindy a day or two before I was terminated. These complaints fell under subsection A, which is titled "Informal Complaint Procedure." When I followed up that complaint in writing the next day to Rosecindy and Amott and asked them to do a walk through my classroom, subsection B titled, "Formal Grievance Procedure" became applicable since the matter had not been disposed of informally. Instead of taking my complaint seriously, Amott terminated me less than a few hours later.

886. In subsection B, it lists the "procedure for presentation and adjustment of grievances." It clearly states that at the Step 1 stage, the "employee shall initiate the grievance...with the head of the school," at the Step 2 stage, "the Union may appeal from the decision at Step 1 to the Chancellor within 10 school days after the decision of the head of the school is received" and states that "[w]hen a grievance is appealed to the Chancellor at Step 2, the Union may advise the arbitrator of that appeal, in order to expedite possible scheduling before the arbitrator in the event that the grievance is subsequently appealed to the arbitrator." At each Step, the employee may be accompanied by a Union representative, and a conference is to be arranged with the aggrieved employee and a designated Board representative. It also states that the "decision at each step should be communicated to the aggrieved employee and his/her representative...within five school days" at the Step 1 level and "within ten days after an appeal is received" at the Step 2 level.

887. If a "satisfactory resolution is not reached or if a decision is not rendered within the time limit at Steps 1 or 2, the Union may appeal the grievance to the next higher step." Subsection C concerns Step 3 — arbitration. It states that "a grievance may not be appealed to the arbitrator unless a decision has been rendered by the Chancellor at Step 2, except in cases where the decision on the grievance has not been communicated to the aggrieved employee and his/her representative by the Chancellor within the time limit specified for Step 2 appeals."

888. It states that the "appeal to arbitration with a copy to the Board, shall be filed within ten school days after receipt of the decision of the Chancellor." (emphasis added)

889. It states that "[w]here no hearing has been held, or no decision has been issued, within ten school days following receipt of the grievance by the Chancellor at Step 2, the appeal to arbitration shall be filed within ten school days following the expiration of the ten-day period."

890. A panel of seven arbitrators are to be designated by "mutual agreement of the parties to serve for any case or cases submitted to them in accordance with their ability to promptly hear and determine the case(s)." It also states that "[a]ny costs relating to the participation of the arbitrator shall be shared equally by the parties to the dispute."

891. "With respect to grievances which involve the application or interpretation of the provisions of this Agreement the decision of the arbitrator, if made in accordance with his/her jurisdiction and authority under this Agreement, will be accepted as final by the parties to the dispute and both will abide by it."

892. With respect to all other grievances, if the grievance is not resolved at the conference, then a report and recommendation of the arbitrator shall be transmitted to the Chancellor. Within ten school days after the date that the report and recommendation are received by the Chancellor, he/she shall indicate whether he/she will accept the recommendation. Unless the Chancellor disapproves the recommendation within ten school days after the date it is received by him/her, the recommendation shall be deemed to be his/her decision."

893. Whether or not the Chancellor approves or disapproves of the arbitrator's recommendation, he/she must notify the aggrieved employee and the Union of his/her decision.

894. Amott did none of these things. Instead, PLAINTIFF Mr. Washington was terminated.

895. Amott's improper mishandling of the alleged complaint, includes, but is not limited to: failing to inform PLAINTIFF Mr. Washington of the allegations made against him, failing to show him the complaint, failing to allow him an opportunity to give a statement, and failing to get a statement from the other adults present in the classroom, to name a few.
896. Amott's refusal to impartially investigate the complaint supports PLAINTIFF Mr. Washington's claims that DEFENDANT NYCDOE's strong reliance on subjective decisionmaking causes an additional disparate impact against African Americans because its tainted with racial bias.
897. The reason Amott violated so many of DEFENDANT NYCDOE's regulations with regards to PLAINTIFF Mr. Washington's termination and treated him differently in the terms and conditions of my employment was due to the fact that he is an African American male -- an underrepresented group employed throughout DEFENDANT NYCDOE's school district is due to on-going racism and employment discrimination.
898. More likely than not, these racial disparities are a result of Amott's conscious and/or unconscious biases.
899. Had PLAINTIFF Mr. Washington been "white" and/or non-black, he would not have been falsely accused of engaging in "corporal punishment."
900. Had PLAINTIFF Mr. Washington been in the classroom on my phone throughout the entirety of class, I would have been reprimanded and/or terminated.
901. Had PLAINTIFF Mr. Washington been "white" and/or non-black and did things the exact same way, he would not have been falsely accused of engaging in "corporal punishment" and if so, I would have been afforded due process to prove my innocence.
902. Had PLAINTIFF Mr. Washington been in the classroom on his phone throughout the entirety of class, he also would have been reprimanded and/or terminated but the two, non-black adults were never reprimanded and were allowed to continue working for the remainder of the Summer Rising program.
903. PLAINTIFF Mr. Washington was screwed either way because if he'd allowed the disruptive behavior to continue uncorrected, I would have been accused of having poor classroom management and terminated for that.
904. To be falsely accused of and terminated for "corporal punishment," without ever being informed of what I did and/or said, is wrong on so many levels and racist in and of itself.
905. When a "white" person falsely accuses an African American of putting their hands on another, that is reminiscent of what happened to Emmett Till. Instead of losing my life, my livelihood was jeopardized.
906. When a person falsely accuses me of "corporal punishment" in order to justify my termination to others, then I have the right to defend myself and my reputation.
907. All student complaints should be taken seriously, but no individual and/or employee should be penalized for complaints that are not substantiated and/or fully investigated.
908. Since Amott did not properly investigate complaints against PLAINTIFF Mr. Washington and allowed others to accuse him of engaging in "corporal punishment," her actions constitute defamation of character and libel as well.
909. DEFENDANT NYCDOE's procedures for resolving complaints are pretty objective, but are being performed in a very arbitrary, highly subjective and inconsistent manner.
910. These collective bargaining agreements and regulations exist, so that protocols can be followed objectively, and individual biases can be minimized.
911. Amott made a conscious decision to not follow DEFENDANT NYCDOE's procedures.
912. Although Amott was the principal of the school, she was an employee of DEFENDANT NYCDOE and still had to comply with their rules and regulations, as well as federal, state and local laws prohibiting discrimination in employment.
913. It is well settled that in any predominately "white" and/or racially segregated environment, subjective decision-making is likely to be tainted with racial bias.
914. PLAINTIFF Mr. Washington has never accused Amott of being racist but based on the differences in treatment between himself and his similarly situated, non-black colleagues, it can be inferred that she harbors racial biases and prejudices, whether conscious and/or unconscious.
915. Had Amott complied with DEFENDANT NYCDOE's procedures for conducting investigations, then there's a strong likelihood that PLAINTIFF Mr. Washington would have not been terminated.
916. Even if complaints had been filed against PLAINTIFF Mr. Washington, he was innocent until proven guilty and Amott was never able to conclude that he did anything wrong.
917. Amott knew that if she followed the rules of procedure for investigating and handling complaints that she would not be able to justify PLAINTIFF Mr. Washington's termination, so she ignored them and used false allegations to remove him from the school.
918. Regardless of her intentions, Amott's decision not to follow the procedures set forth in the Agreements was racially discriminatory.
919. Amott's wrongs must be acknowledged and those responsible for trying to give these false accusations legitimacy must be held accountable for the damage caused to PLAINTIFF Mr. Washington's life and reputation.

b. Differential Treatment Between PLAINTIFF Mr. Washington and Similarly Situated "White" Counterparts:

920. Teachers manage and resolve conflicts with students each and every day.
921. Some students hate being in school. Some students don't want to learn. Not every student is going to like their teacher. Those are givens. Students are not always going to like the things adults say to them, especially if they are allowed to get their way. That's child psychology 101.
922. Sometimes teachers, as well as parents, have to raise their voice in order to get the attention of their students/children. This is pretty normal, especially in DEFENDANT NYCDOE schools.
923. It cannot be disputed that each school's administration is responsible for establishing and maintaining the school's climate and that for majority of the 2020-2021 school year, as well as during the Summer Rising program, Amott was noticeably missing and her presence throughout the school was minimal.
924. It cannot be disputed that students have more first amendment rights than teachers, given that they can say and/or do practically anything without punishment but teachers have to walk on eggshells in how they respond to problematic students.
925. As a result, disruptive student behavior in classrooms has increased and little to nothing is being done about it by administrators throughout DEFENDANT NYCDOE's schools.
926. Instead of supporting PLAINTIFF Mr. Washington's decisions as a teacher, P.S. 250's administration took the side of underperforming students who rebelled against academic work and/or were disruptive in class.
927. PLAINTIFF Mr. Washington witnessed "white" and Asian teachers at P.S. 250 raise their voice on numerous occasions.
928. PLAINTIFF Mr. Washington witnessed an Asian teacher who had to use a microphone and speaker to address her class and still had to raise her voice at times.
929. None of these teachers were reprimanded or disciplined.
930. Had PLAINTIFF Mr. Washington been "white" and/or a "white woman," he would have not been disciplined and/or terminated.
931. A day or two before PLAINTIFF Mr. Washington was terminated, he complained verbally and in writing to both the vice principal and Amott about the cellphone usage of adults and high school interns in his class while he taught, and within a day or two, he was terminated.
932. Amott was aware from the 2020-2021 school year that PLAINTIFF Mr. Washington took his job, as well as education, seriously and that he did not let children walk all over him.
933. During the school year, Amott asked PLAINTIFF Mr. Washington to be involved in an after-school program specifically to help mentor young black male students, to which he agreed.
934. It cannot be disputed that although PLAINTIFF Mr. Washington was not a special education teacher, Amott assigned the only substitute teacher to teach a "self-contained" class with grades 2-5th during the Summer Rising program while the rest of his colleagues taught one grade.
935. PLAINTIFF Mr. Washington was not employed by DEFENDANT NYCDOE to be a babysitter.
936. PLAINTIFF Mr. Washington was well liked by most students, teachers and paras that he worked with.
937. Unlike many substitutes, PLAINTIFF Mr. Washington was very involved. He called parents, had conferences with them if need be and did many other things that aren't typical of substitutes (e.g. grading homework outside of school hours, creating lesson plans, teaching lessons, etc.).
938. PLAINTIFF Mr. Washington did these things and more because he actually cared about the well-being and growth of all students he encountered.

c. PLAINTIFF Mr. Washington Was Qualified to Teach:

939. Based on PLAINTIFF Mr. Washington's academic and professional achievements, along with his work history at DEFENDANT NYCDOE, he was qualified to teach.
940. PLAINTIFF Mr. Washington has traveled the world, having visited 5 continents, 31 countries and 19 states throughout the U.S.
941. PLAINTIFF Mr. Washington was qualified to be a teacher, but was not licensed because he would have had to go back to school and go further into debt in order to get a degree in education.
942. PLAINTIFF Mr. Washington knew it was futile for him to apply for teaching positions without a license because most job postings explicitly stated it was a requirement to be considered for the job.
943. PLAINTIFF Mr. Washington worked with all grade levels (3K through 12) and taught all subjects, academic and non-academic, and worked at more than 50 schools throughout NYC over a five-year period.
944. Objectively speaking, PLAINTIFF Mr. Washington was just as qualified, if not more qualified, than most of the teachers he worked with.
945. Licensed or not, PLAINTIFF Mr. Washington's 5 years of teaching experience and 30 continuing education credits were comparable to a recently licensed teacher with no teaching experience.

946. PLAINTIFF Mr. Washington spent countless hours each week off the clock, preparing lessons, grading classwork/homework/tests, talking with parents, etc. **See Exhibit L.**
947. PLAINTIFF Mr. Washington received many compliments from teachers over the years, including those at P.S. 250. **See Exhibit M.**
948. Being a qualified and effective teacher requires more than having mastery of a subject(s).
949. In the 21st century, most teacher manuals for core academic subjects contain scripts and lesson plans for teachers to follow, so a teacher's need to demonstrate subject matter mastery has lessened.
950. Actual teaching experience far outweighs learning about theory and *how* to teach.
951. On two separate occasions, PLAINTIFF Mr. Washington applied for DEFENDANT NYCDOE's NYC Men Teach program and was denied.
952. During the second year of applying, PLAINTIFF Mr. Washington made it to the second round where he had to give a mock lesson in front of an all-white group of decisionmakers.
953. Following the presentation, PLAINTIFF Mr. Washington was asked to complete a math exam that contained advanced level math problems that would never be taught to students in grades Pre-K through 12th.
954. This is not accidental and was meant to weed out minority applicants.
955. Less than a week later, PLAINTIFF Mr. Washington was informed that he didn't make it to the next round.
956. It is not known how many African Americans males have actually hired each year as a result of the NYC Men Teach program.
957. PLAINTIFF Mr. Washington also applied for non-teaching jobs at DEFENDANT NYCDOE and never received a call back.
958. "[E]ven the earliest teacher educators knew, the *art* of teaching is that ephemeral quality that we cannot teach, but which we know when we see it at work, that makes the great teacher excel far beyond the competent teacher." [Paterson.]

d. COVID-19 Vaccines Are NOT "Safe and Effective":

959. In the United States of America, the three pharmaceutical companies with COVID-19 vaccines on the market are Pfizer, Moderna and Johnson & Johnson.
960. On December 11, 2020, the FDA issued an Emergency Use Authorization (EUA) for the use of the Pfizer-BioNTech COVID-19 Vaccine.
961. On December 18, 2020, the FDA issued an EUA for the use of Moderna COVID-19 Vaccine.
962. On February 27, 2021 the FDA issued an EUA for the use of Janssen COVID-19 Vaccine.
963. "More than half of FDA's VRBPAC committee, which approved EUAs for Moderna, Johnson & Johnson, and Pfizer, and granted final licensure to the Pfizer vaccine, were grant recipients from NIH, NIAID, BMGF, and pharmaceutical companies." [Kennedy, Jr., pg. 75.]
964. "More than half of the CDC's ACIP committee participants were similarly compromised." [Kennedy, Jr., pg. 75.]
965. On March 11, 2021, Obama made a Facebook post stating: "Michelle and I got vaccinated against COVID-19 because we know it's the best way to beat this pandemic, protect one another, and get the country back up and running again. So I hope you'll get the vaccine as soon as it's available to you. It could save your life."
966. Obama's Facebook post contained a video, which included past presidents Bill Clinton and George Bush, encouraging everyone to receive the COVID-19 vaccine.
967. On July 12, 2021, Kamala Harris tried to lessen vaccine hesitancy by trying to appeal to citizen's faith in God.
968. Harris stated: "I do believe that the act of getting vaccinated is the very essence of what the Bible tells us when it says, 'Love thy neighbor.' So by getting vaccinated, you are loving your neighbor." ["Vice President Harris Says Getting COVID Vaccine Is 'Loving Thy Neighbor.'" KTVN. July 12, 2021. <https://www.ktvn.com/story/44289362/vice-president-harris-says-getting-covid-vaccine-is-loving-thy-neighbor>.]
969. In August of 2021, Pope Francis urged everyone to get vaccinated in a video message produced in conjunction with the Ad Council. ["Pope Francis urges people to get vaccinated against Covid-19." Vatican News. August 2021. <https://www.vaticannews.va/en/pope/news/2021-08/pope-francis-appeal-covid-19-vaccines-act-of-love.html>.]
970. Pope Francis stated, "Thanks to God's grace and to the work of many, we now have vaccines to protect us from Covid-19," and added that vaccines "bring hope to end the pandemic, but only if they are available to all and if we collaborate with one another." [Id.]
971. Pope Francis went on to say that getting a Covid jab that is "authorized by the respective authorities" is an "act of love." [Id.]
972. At a Christian Cultural Center in Brooklyn on September 26, 2021, the new governor of New York, Kathy Hochul stated to the audience: "I need you to be my apostles. I need you to go out and talk about it and say, we owe this to each other. We love each other. Jesus taught us to love one another and how do you show that love but to care about each other enough to say, please get the vaccine ..."
973. In that same speech, Hochul proclaimed that the vaccine came from God. She stated, "God did answer our prayers. He made the smartest men and women, the scientists; the doctors, the researchers — he made them come up with a vaccine."
974. Hochul has also stated that Pope Francis, leader of the Catholic Church that endorsed slavery agrees with her position.

975. On October 3, 2021, Hochul gave a speech at a women's rights rally, stating that she would protect women's reproductive rights, while simultaneously allowing for the state and businesses to have autonomy over all people's bodies by pushing for mandatory vaccination of all people.
976. Interjecting God into this matter is blasphemous and constitutes a violation of the separation of church and state.
977. As of October 6, 2021, US health officials ha[ve] administered more than 230 million doses of Pfizer's COVID vaccine, compared to 152 million doses of Moderna, and 15 million doses of Johnson & Johnson." [Kennedy, Jr., pg. 76.]
978. Despite all three pharmaceutical companies claiming that their COVID-19 vaccines are "safe and effective," science and reality prove otherwise.

[Not "Safe"]

979. Pfizer's CEO Dr. Albert Bourla stated in an interview with CNBC's "Squawk Box": "This is a vaccine that was developed without cutting corners. This is a vaccine that is getting approved by all authorities in the world. That should say something." [CNBC. December 14, 2020. <https://www.cnbc.com/video/2020/12/14/pfizer-ceo-albert-bourla-on-vaccine-hesitancy-trust-science.html>.]
980. Pfizer's clinical trial was supposed to end in December of 2023.
981. Pfizer and the FDA opted to end the trial after six months "after realizing that the vaccine was causing significant harms and that its fast-waning efficacy would make a cost/benefit analysis unsupportable if the study continued." [Kennedy, Jr., pg. 91-92.]
982. "The Covid vaccine was approved even though Pfizer did not follow industry-standard quality management practices and even though key studies did not meet good laboratory practice." [Whitney.]
983. "The final summary of the Pfizer's six-month clinical trial data...revealed one key data point that should have killed that intervention forever. Far more people died in the vaccine group than in the placebo group." [Kennedy, Jr., pg. 76.]
984. "Pfizer won FDA's approval despite the rather pathetic showing that its vaccine might prevent one COVID death in over 22,000 vaccine recipients." [Kennedy, Jr., pg. 77.]
985. Pfizer transformed its unimpressive record of eliminating a single COVID fatality among 22,000 vaccinated subjects into a \$5 billion/year success story by "gulling the public with a deceptive measure called 'relative risk,' instead of the presumptive and far more useful measure of 'absolute risk.'" [Kennedy, Jr., pg. 77.]
986. During the six-month trial, two people in the placebo group numbering approximately 22,000 and only one in the similarly sized vaccine group died from COVID. [Kennedy, Jr., pg. 77.]
987. "[T]his data point is the source of Pfizer's claim that the vaccine is 100 percent efficacious against death. Since only one person died from COVID in the vaccine group and two died in the placebo group, Pfizer can technically represent that the vaccine [had] a 100 percent improvement over the placebo." [Kennedy, Jr., pg. 77.]
988. "The media winked at this canard, obligingly reporting Pfizer's extraordinary 100 percent efficacy claim." [Kennedy, Jr., pg. 77.]
989. "At least some reporters must have understood that most Americans hearing this statistic would naturally believe that the vaccine would prevent 100 percent of deaths. A more honest – and helpful – way of thinking about the Pfizer vaccine's efficacy is to consider that 22,000 vaccines must be given to save a single life from COVID." [Kennedy, Jr., pg. 77.]
990. The true reduction in risk of 1/22,000 – or about 0.01 percent, as the BMJ reported – was far too insignificant to make the vaccine even a minor barrier against the spread of COVID. [Kennedy, Jr., pg. 77.]
991. The "meager advantage of preventing a single COVID death in every 22,000 vaccinated individuals is entirely canceled out by a fivefold increase in excess fatal cardiac arrests and congestive heart failures in vaccinated individuals (5/22,000)." [Kennedy, Jr., pg. 77-78.]
992. The "all-cause mortality" measure "alone tells us whether vaccinated individuals enjoy better outcomes and longer lives than the unvaccinated. Drugs and vaccines that appear, at first glance, effective against the target disease may, over longer terms, trigger deaths from unexpected causes: accidents, cancers, heart attacks, seizures, even depression and suicide – or from pathogenic priming – which cancel out the short-term benefits of the intervention." [Kennedy, Jr., pg. 78-79.]
993. "Twenty people died of 'all-cause mortality' among the 22,000 recipients in Pfizer's vaccine group, versus only fourteen in the numerically comparable placebo group...That means there were 42.8 percent more deaths in the vaccine than in the placebo group." [Kennedy, Jr., pg. 79.]
994. "Under FDA guidelines, researchers must attribute all injuries and deaths among the study group during clinical trials to the intervention (the vaccine) unless proven otherwise. Under this rule, the FDA must assume people who take the vaccine have a 42.8 percent increased risk of dying." [Kennedy, Jr., pg. 79.]
995. "This six-month safety report was so damning that it should have closed the case against this vaccine, but captured FDA officials nevertheless gave Pfizer their approval." [Kennedy, Jr., pg. 79.]
996. "The Pfizer vaccine trial offers a lesson on the perils of ignoring 'all-cause mortality' as the governing endpoint for vaccine approval." [Kennedy, Jr., pg. 77.]

997. "Pfizer and FDA may have opted to end the company's clinical trial after six months, after realizing that the vaccine was causing significant harms and that its fast-waning efficacy would make a cost/benefit analysis unsupportable if the study continued. In other words, the injury axis almost immediately crosses the benefit axis." [Kennedy, Jr., pg. 91-92.]
998. "Because the FDA allowed Pfizer to unblind and terminate its study after six months — and to offer the vaccine to individuals in the placebo group — we will never know whether vaccinated individuals in the trial suffered long-term injuries, including pathogenic priming." [Kennedy, Jr., pg. 72.]
999. Moderna "designed the final version of its vaccine within 48 hours of analyzing the virus genome on January 11, 2020. Phase 1 trials began 60 days later (in comparison, it took 20 months of conventional vaccine development for the SARS vaccine to reach Phase 1). This vaccine was approved by the FDA on December 17, 2020 (the 11 months until approval were spent with testing and regulatory formalities)." [Nano Werk. January 28, 2021. https://www.nanowerk.com/spotlight/spotid=57148.php?fbclid=IwAR29f02FiQs0X32AJk_sBRXW5y6SnFWVZlAXrQZxDIKdolPQkpcmoJCOQ.]
1000. Prior to the COVID-19 vaccine, the "quickest vaccine ever developed was for mumps. It took four years and was licensed in 1967." [MacKenzie Sigalos. CNBC. December 17, 2020. <https://www.cnbc.com/2020/12/16/covid-vaccine-side-effects-compensation-lawsuit.html>.]
1001. Fauci "invested \$6 billion in taxpayer lucre in the Moderna vaccine alone. His agency is co-owner of the patent and stands to collect a fortune in royalties. At least four of Fauci's hand-picked deputies are in line to collect royalties of \$150,000/year based on Moderna's success, and that's on top of the salaries already paid for by the American people." [Kennedy, Jr., pg. 20.]
1002. All of the ingredients used to make the COVID-19 vaccine are unknown to the public.
1003. The COVID vaccines that qualified for Emergency Use Authorization include novel platforms like mRNA and DNA with no known safety profile. Others use toxic adjuvants like squalene and aluminum or novel adjuvants, with proven risks and potentially high rates of serious injuries. [Kennedy, Jr., pg. 35.]
1004. On October 6, 2021, Project Veritas interviewed Melissa Strickler, managing quality auditor at Pfizer, who leaked internal emails from Pfizer's Chief Scientific Officer and Senior Director of Worldwide Research discussing vaccine's ingredients that are intentionally being withheld from the public.
1005. In a February 4, 2021 e-mail from Advait Badkar to Vanessa Gelman and others, it states: "Hi Vanessa. This question came in as an enquiry to our Med Info group. Specifically they are asking 'did Pfizer make use of a cell line from an aborted fetus when carrying out any confirmatory tests for this vaccine?' This is AFTER we had already confirmed with the customer that no cell lines from an aborted fetus were used in the manufacturing process of the COVID-19 mRNA Vaccine BNT162b2."
1006. On February 4, 2021 at 4:52PM, Pfizer executive Vanessa Gelman said: "I prefer we do not use the text in yellow." (emphasis in the original)
1007. The text in yellow stated: "Human fetal derived cell lines are not used to produce our investigational vaccine, which consists of synthetic and enzymatically produced components. One or more cell lines with an origin that can be traced back to human fetal tissue has been used in laboratory tests associated with the vaccine program."
1008. Pfizer executive Vanessa Gelman said: "We want to avoid having the information on the fetal cells floating out there...[W]e believe that the risk of communicating this right now outweighs any potential benefit we could see, particularly with general members of the public who may take this information and use it in ways we may not want it out there...avoid raising this if possible."
1009. Pfizer executive Gelman also stated: "We have been trying as much as possible to not mention the fetal cell lines. So we would really like to stay focused on the first part if possible — this is what we have said most recently for inquiries received via our Board of Directors and through direct emails to Mikael Dolsten....The piece in yellow we have tried really hard to not share unless it's strictly necessary and mission critical."
1010. Pfizer's Vice President and Chief Scientific Officer of Viral Vaccines, Philip Dormitzer, also responded: "Hi Advait, Copying Vanessa Gelman from our Communications group. We have an approved answer to this question, which she probably can provide. HEK293T cells, used for the IVE assay, are ultimately derived from an aborted fetus. On the other hand, the Vatican doctrinal committee has confirmed that they consider it acceptable for Pro-Life believers to be immunized. Pfizer's official statement couches the answer well and is what should be provided in response to an outside inquiry."
1011. Gelman also deleted her LinkedIn page and her current employment status at Pfizer is unknown.
1012. Most aborted fetuses are of African descent.
1013. The specific contents of each vaccine are not exactly the same.
1014. With regards to COVID-19 vaccine's "safety," more people have experienced adverse reactions and/or died within the first nine months than all other vaccines combined.
1015. The COVID-19 vaccine is not "safe" because short-term adverse effects have included blood clotting, bleeding, autoimmune disease, thrombosis in the brain, stroke, myocarditis, pericarditis blood clots, strokes ending in severe paralysis, pulmonary embolisms, Graves' disease, menstrual irregularities and death to name a few.

1016. "On September 28, a scientific journal, JAMA Neurology, reported a new series of cases of cerebral venous sinus thrombosis (CVST) linked to COVID-19 vaccinees, confirming the severity of the reaction and the associated high mortality rate, and another journal confirmed the resumption of hepatitis C in a patient related to the jab." [Kennedy, Jr., pg. 90.]
1017. Pfizer and Moderna contain nanotechnology, which has been described by one manufacturer as "an operating system."
1018. Moderna's name combines the words "modified" and "RNA".
1019. According to CDC's website, "Messenger RNA (mRNA) vaccines teach our cells how to make a protein that will trigger an immune response inside our bodies."
1020. On Moderna's website, they state, "...we set out to create an mRNA technology platform that functions very much like an operating system on a computer. It is designed so that it can plug and play interchangeably with different programs. In our case, the 'program' or 'app' is our mRNA drug - the unique mRNA sequence that codes for a protein."
1021. "These novel vaccines exploit the process by which cells build proteins from the information encoded in a single-stranded molecule called messenger RNA (mRNA). Once the COVID-19 vaccine enters a cell, the mRNA molecule tells it exactly how to build a piece of the SARS-CoV-2 virus. By exposing the body to this piece of virus induces its immune system to mount a response, thereby training the body to fight the real deal if it gets infected by SARS-CoV-2."
1022. "Moderna makes 'mRNA vaccines' by embedding the genetic instructions for a component of a virus into a nanoparticle, which can then be injected into a person. The company adds the genetic codes for the membrane protein the virus uses to invade human cells. If injected into a person, such nanoparticles could cause the body to immunize itself against the real contagion by disallowing the corona virus to fuse its receptors with membrane proteins." [Nikolić. Diplomat Magazine.]
1023. Vaccine manufacturers settled on the spike protein as an antigen that would induce an immune response in the body.
1024. Vaccine-generated spike proteins are pathogenic.
1025. The spike protein is a "uniquely dangerous" transmembrane fusion protein that is an integral part of the SARS-CoV-2 virus. [Whitney.]
1026. "The S protein plays a crucial role in penetrating host cells and initiating infection." It also damages the cells in the lining of the blood vessel walls which leads to blood clots, bleeding, massive inflammation and death." [Whitney.]
1027. "Salk researchers and collaborators show how the protein damages cells, confirming COVID-19 as a primarily vascular disease...SARS-CoV-2 virus damages and attacks the vascular system (aka--The circulatory system) on a cellular level...scientists studying other coronaviruses have long suspected that the spike protein contributed to damaging vascular endothelial cells, but this is the first time the process has been documented..." ["COVID-19 Is a Vascular Disease: Coronavirus' Spike Protein Attacks Vascular System on a Cellular Level." SciTech Daily. <https://scitechdaily.com/covid-19-is-a-vascular-disease-coronavirus-spike-protein-attacks-vascular-system-on-a-cellular-level/>.]
1028. "[T]he spike protein alone was enough to cause disease. Tissue samples showed inflammation in endothelial cells lining the pulmonary artery walls. The team then replicated this process in the lab, exposing healthy endothelial cells (which line arteries) to the spike protein. They showed that the spike protein damaged the cells by binding ACE2..." "If you remove the replicating capabilities of the virus, it still has a major damaging effect on the vascular cells, simply by virtue of its ability to bind to this ACE2 receptor, the S protein receptor, now famous thanks to COVID." ["COVID-19 Is a Vascular Disease: Coronavirus' Spike Protein Attacks Vascular System on a Cellular Level." SciTech Daily. <https://scitechdaily.com/covid-19-is-a-vascular-disease-coronavirus-spike-protein-attacks-vascular-system-on-a-cellular-level/>.]
1029. "Research suggests this could lead to the production of spike protein in unintended places, including the brain, ovaries and spleen, which may cause the immune system to attack organs and tissues resulting in damage, and raises serious questions about genotoxicity and reproductive toxicity risks associated with the vaccine." [Children's Health Defense.]
1030. "Studies indicate that the protein is able to gain access to cells in the testicles, and may disrupt male reproduction." [Hodgkinson.]
1031. "Furthermore, the genetic code the virus carries contains inserts that make it 'extremely plausible' that the protein could misfold into a prion (such as held responsible for mad cow disease in the 1980s), causing widespread damage to brain cells and increasing the risk of conditions including Alzheimer's and Parkinson's disease." [Hodgkinson.]
1032. The FDA brought these experimental "new technology" vaccines into service before they had the slightest inkling of where the substance in the vaccine would end up in the body.
1033. Johnson & Johnson's vaccine is "linked to a blood clotting condition known as thrombosis with thrombocytopenia syndrome, or TTS. The AstraZeneca vaccine has also been associated with the blood clot issue." [Lovelace, Jr.]
1034. On April 17, 2021, United States of America's Surgeon General Vivek Murthy stated to "the 6.8 million Americans who have received" Johnson & Johnson coronavirus vaccine, "You will be just fine" despite the pause on DEFENDANT Johnson & Johnson's vaccine continued. [Alexander Nazarya. "'You will be just fine,' says surgeon general of Johnson & Johnson vaccine, though pause continues." Yahoo! News. April 16, 2021. <https://news.yahoo.com/you-will-be-just-fine-says-surgeon-general-of-johnson-johnson-vaccine-though-pause-continues-181320913.html>.]
1035. On April 23, 2021, "[f]ollowing a thorough safety review, including two meetings of the CDC's Advisory Committee on Immunization Practices, the U.S. Food and Drug Administration and the U.S. Centers for Disease Control and Prevention have

- determined that the recommended pause regarding the use of the Johnson & Johnson (Janssen) COVID-19 Vaccine in the U.S. should be lifted and use of the vaccine should resume." [<https://www.fda.gov/news-events/press-announcements/fda-and-cdc-lift-recommended-pause-johnson-johnson-janssen-covid-19-vaccine-use-following-thorough>.]
1036. On July 12, 2021, FDA announced that Johnson & Johnson's vaccine could "trigger neurological condition." [Hellen Branswell. "J&J's Covid-19 vaccine may trigger neurological condition in rare cases, FDA says." STAT. July 12, 2021. <https://www.statnews.com/2021/07/12/jjs-covid-19-vaccine-may-trigger-neurological-condition-in-rare-cases-fda-says/>.]
1037. On December 16, 2021, CDC reported that "people shouldn't get Johnson & Johnson's COVID-19 vaccine when Pfizer-BioNTech and Moderna shots are available" [Berkeley Lovelace Jr. and Sara G. Miller. "CDC Recommends People Not Get J&J Vaccine If Pfizer, Moderna Are Available." NBC News. December 17, 2021. <https://www.nbcnews.com/health/health-news/cdc-panel-recommends-people-not-get-jj-vaccine-pfizer-moderna-availabl-rcna8987>.]
1038. "In a very emotional interview, Denver police officer Jose Manriquez, appearing on Fox News along with his attorney, explains how he reluctantly took the Pfizer COVID-19 shot in order to keep his job, and now can no longer walk by himself. He is a 34-year-old father of four and military veteran who had recovered from COVID-19, and was allegedly in good health prior to receiving the Pfizer shot."
1039. Israel, Iceland, Canada, Norway, Sweden and Denmark have all recognized the increased risk of Moderna's vaccine for the heart conditions.
1040. "In October 2021, Sweden, Denmark, and Finland announced that they will pause the use of Moderna's COVID vaccine for children under 18 years of age, after increased reports of inflammatory diseases like myocarditis and pericarditis." [Kennedy, Jr., pg. 91.]
1041. On October 18, 2021, IB Times released an article stating that "more than 140 fully vaccinated individuals in Oregon have died of COVID-19 despite receiving the vaccine developed by Pfizer-BioNTech, according to state data" as of October 14, 2021. [Danielle Ong. "143 Fully Vaccinated Oregon Residents Who Received Pfizer Vaccine Have Died Of COVID-19." IB Times. October 18, 2021.]
1042. The article also reported that the "state recorded 15,057 breakthrough infections and 562 breakthrough hospitalizations among Pfizer recipients since the beginning of the pandemic, according to the latest data." [Danielle Ong. "143 Fully Vaccinated Oregon Residents Who Received Pfizer Vaccine Have Died Of COVID-19." IB Times. October 18, 2021.]
1043. The article also reported that "[a]mong those who received those two-dose Moderna vaccine, 72 have died of COVID-19 [and] there have also been 7,938 breakthrough cases and 333 breakthrough hospitalizations."
1044. As for Johnson & Johnson, 34 recipients have died, while 203 have been admitted and 3,648 J&J recipients have been diagnosed with COVID-19.
1045. The article also reported that "majority of Oregon residents with COVID-19 are patients aged 65 and older." [Danielle Ong. "143 Fully Vaccinated Oregon Residents Who Received Pfizer Vaccine Have Died Of COVID-19." IB Times. October 18, 2021.]
1046. VAERS "recorded nearly 800,000 injuries by the 9½ months between December 14, 2020 and October 2021, with 112,000 classified as 'serious.'" [Kennedy, Jr., pg. 90.]
1047. "A 2010 HHS study of the government's notoriously dysfunctional VAERS concluded that VAERS detects 'fewer than 1 percent of vaccine injuries.'" [Kennedy, Jr., pg. 72-73.]
1048. In late October 2021, the FDA, via letter, "admitted that VAERS is worthless for detecting vaccine injuries." [Kennedy, Jr., pg. 91.]
1049. The FDA stated: "We have determined that an analysis of spontaneous postmarketing adverse events [VAERS reports] reported under section 505(k)(1) of the FDCA [Federal Food, Drug and Cosmetic Act] will not be sufficient to assess known serious risks of myocarditis and pericarditis and identify an unexpected serious risk of subclinical myocarditis. Furthermore, the pharmacovigilance system that FDA is required to maintain under section 505(k)(3) of the FDCA is not sufficient to assess those risks." [Kennedy, Jr., pg. 91.]
1050. "Pfizer either did not report several severe injuries – short of death – or deceptively deemphasized their severity, during clinical trials, including neurological harm, thrombocytopenia, blood clots, strokes, embolisms, aneurysms, myocarditis, Bell's palsy, Guillain-Barré syndrome, multi-organ failure, amputation, blindness, paralysis, tinnitus, and menstrual harms. More than 30,000 women in the UK and 6,000 in the US have complained of the latter." [Kennedy, Jr., pg. 90.]
1051. Thus, "VAERS missed OVER 99 percent of vaccine injuries, thereby lending the illusion of safety to even the most deadly inoculations." [Kennedy, Jr., pg. 73.]
1052. "In 1976, US regulators pulled the swine flu vaccine after it was linked to 25 deaths. In contrast, between December 14, 2020 and October 1, 2021, American doctors and bereaved families have reported more than 16,000 deaths and a total of 778,685 injuries to the Vaccine Adverse Event Reporting System (VAERS) following COVID vaccination." [Kennedy, Jr., pg. 87.]
1053. "Health workers have administered billions of vaccines during the past thirty-two years, yet in just eight months, the COVID vaccines have injured and killed far more Americans than all other vaccines combined over three decades." [Kennedy, Jr., pg. 87-88.]

1054. "VAERS data show the huge spikes — 69.84 percent — of deaths occurring during the two weeks after vaccination, 39.48 percent within 24 hours of the injections. According to CDC's fatality data, a COVID vaccine is 98 times more likely to kill than a flu vaccine." [Kennedy, Jr., pg. 88.]
1055. "A recent peer-reviewed study in the high-gravitas Elsevier journal Toxicology Reports found that COVID-19 vaccines kill more people in each age group than they save." [Kennedy, Jr., pg. 88.]
1056. "[A] September 2021 analysis by a team of prominent scientists and mathematicians convened by Silicon Valley entrepreneur Steve Kirsch — of half a dozen population and surveillance system databases, including VAERS — using eight different independent methods, attributes 150,000 deaths to COVID vaccines in the United States since January 2020." [Kennedy, Jr., pg. 88.]
1057. Kirsch's study "found that vaccines kill more people than they save in every age range" and the results were "consistent with Pfizer's six-month clinical trial finding that people who took the vaccine were more likely to die than people who didn't take the vaccine." [Kennedy, Jr., pg. 88.]
1058. Kirsch has offered a million-dollar reward for anyone who finds an error in his calculation. [Kennedy, Jr., pg. 88.]
1059. "One of CDC's bold deceptions is to hide vaccine mortalities in US data by counting all people as 'unvaccinated' unless their deaths occur more than two weeks AFTER the second vaccine." [Kennedy, Jr., pg. 89.]
1060. "The CDC utilized an even brassier canard to support President Joe Biden's claim that 98 percent of vaccine hospitalizations and deaths were among the unvaccinated. In an August 5 video statement, CDC director [Rochelle Walensky]...admitted that CDC included hospitalization and mortality data from January through June 2021 in its calculation. The vast majority of the US population were, of course, unvaccinated during that time frame, so it makes sense that almost all hospitalizations would therefore be only among the unvaccinated." [Kennedy, Jr., pg. 89.]
1061. Social media and mainstream outlets censored or removed stories that suggested a vaccine association. [Kennedy, Jr., pg. 307.]
1062. Gates-funded "fact checker" organizations "debunked" any link. [Kennedy, Jr., pg. 307.]
1063. The FDA confessed that Americans have no way of assessing the risks from COVID vaccines. [Kennedy, Jr., pg. 91.]
1064. The long-term effects of the COVID-19 vaccines are unknown.

[Not "Effective"]

1065. There is "uncontestable proof that COVID vaccine efficacy drops precipitously almost immediately after vaccination." [Kennedy, Jr., pg. 91.]
1066. Before the COVID-19 vaccines were released, Pfizer and other pharmaceutical companies claimed that its vaccine was 95% effective, but within months, they began to lower that percentage.
1067. CDC updated its guidelines temporarily on March 13, 2021 to say that fully vaccinated people no longer needed to wear a face mask or stay 6 feet away from others in most settings, whether outdoors or indoors.
1068. CDC Director Dr. Rochelle Walensky said: "Anyone who is fully vaccinated can participate in indoor and outdoor activities, large or small, without wearing a mask or physical distancing. If you are fully vaccinated, you can start doing the things that you had stopped doing because of the pandemic. We have all longed for this moment, when we can get back to some sense of normalcy."
1069. On March 29, 2021, CDC's Director Walensky stated during an MSNBC interview with Rachel Maddow: "Our data from the CDC today suggests that vaccinated people do not carry the virus, don't get sick, and that it's not just in the clinical trials, but it's also in real-world data." [Azmi Haroun and Hilary Brueck. "CDC director says data 'suggests that vaccinated people do not carry the virus.'" Business Insider. March 30, 2021. <https://www.businessinsider.com/cdc-director-data-vaccinated-people-do-not-carry-covid-19-2021-3>.]
1070. Walensky is a "Jew-ish" woman of EurAsian descent. [Maayan Jaffe-Hoffman. "This Jewish woman has become the face of America's fight against COVID." The Jerusalem Post. September 12, 2021. <https://www.jpost.com/50-most-influential-jews/rochelle-p-walensky-678108>.]
1071. A few days later, the CDC "distanced itself from comments made by its director, Rochelle Walensky, who earlier in the week suggested that vaccinated people do not carry the COVID-19 virus. A CDC spokesperson told The New York Times that Walensky 'spoke broadly' and that the evidence to support her claim 'isn't clear.'" [Azmi Haroun and Paul Squire. "The CDC walked back comments from its director suggesting that vaccinated people couldn't 'carry the virus.'" Business Insider. April 2, 2021. <https://www.businessinsider.com/cdc-vaccination-comments-director-rochelle-walensky-2021-4>.]
1072. On July 21, 2021, during a town hall hosted by CNN, Biden stated: "You're not going to get COVID if you have these vaccinations." [Amy Sherman. "Joe Biden exaggerates efficacy of COVID-19 vaccines." PolitiFact. July 22, 2021. <https://www.politifact.com/factchecks/2021/jul/22/joe-biden/biden-exaggerates-efficacy-covid-19-vaccines/>.]
1073. On July 27, 2021, the CDC reversed its guidelines, telling vaccinated people that they still had to wear masks.

1074. COVID-19 vaccines are not effective because they "prevent neither transmission nor infection, nor reductions in viral loads." [Kennedy, Jr., pg. 76.]
1075. "An October 3, 2021 study in the peer-reviewed journal BioRxiv by Stanford and Emory University scientists suggests that antibody levels generated by the Pfizer-BioNTech vaccine can suffer a ten-fold decrease seven months after the second vaccination." [Kennedy, Jr., pg. 92.]
1076. "A second study published the same week confirms that the immune protection offered by two doses of Pfizer's COVID-19 vaccine drops off after only two months." [Kennedy, Jr., pg. 92.]
1077. "Another government-funded study in October [Sarah Y. Tartof, Ph.D. et al, "Effectiveness of mRNA BNT162b2 COVID-19 vaccine up to 6 months in a large integrated health system in the USA: a retrospective cohort study." The Lancet.] confirms the decline in vaccine effectiveness in England finding that the reduction in transmission 'declined over time since second vaccination, for Delta reaching similar levels to unvaccinated individuals by 12 weeks for [the AstraZeneca vaccine] and attenuating substantially for [Pfizer].'" [Kennedy, Jr., pg. 92.]
1078. Tartof's study "found that vaccine effectiveness against infection plummeted from 88 percent during the first month after double vaccination to 47 percent after five months. The researchers found vaccine effectiveness against Delta infection was 93 percent during the first month after double vaccination but dropped to 53 percent after four months." [Kennedy, Jr., pg. 92.]
1079. "Dr. Fauci's official theology makes 'unvaccinated' America's national scapegoat, holding that they are more likely to spread disease and therefore should not be allowed to participate in civic life." [Kennedy, Jr., pg. 94.]
1080. The data across multiple sources and studies proves that the vaccinated are just as infectious as the unvaccinated.
1081. "Overwhelming science has proven that vaccinated and unvaccinated individuals are equally as likely to spread disease." [Kennedy, Jr., pg. 76.]
1082. "In July 2021, the CDC found that fully vaccinated individuals who contract the infection have as high a viral load in their nasal passages as unvaccinated individuals who get infected." [Kennedy, Jr., pg. 94.]
1083. "Another study from Indonesia supported this observation, nothing that vaccinated individuals carry 251x the viral loads of Delta and other mutant variants than they did in the pre-vaccine era." [Kennedy, Jr., pg. 94-95.]
1084. "An October 2021 investigation by Israel's medical authorities of a COVID-19 outbreak in a highly vaccinated population of health workers at the Meir Medical Center in Sheba recorded 23.3 percent of patients and 10.3 percent of staff infected, despite a 96.2 percent vaccination rate among exposed individuals." [Kennedy, Jr., pg. 95.]
1085. "The researchers recorded multiple transmissions between two fully vaccinated individuals, both wearing masks, and in one instance using full PPE, including N-95 mask, face shield, gown, and gloves." [Kennedy, Jr., pg. 95.]
1086. "An October 2021 investigation by Israel's medial authorities of a COVID-19 outbreak in a highly vaccinated population of health workers at the Meir Medical Center in Sheba recorded 23.3 percent of patients and 10.3 percent of staff infected, despite a 96.2 percent vaccination rate among exposed individuals. Moreover, the researchers recorded multiple transmissions between two fully vaccinated individuals, both wearing surgical masks, and in one instance using full PPE, including N-95 mask, face shield, gown, and gloves." [Kennedy, Jr., pg. 95.]
1087. The United States of America's government now acknowledges that those who are vaccinated can get coronavirus, but state that you won't end up in the hospital or dead.
1088. CDC's Director Walensky admitted during an August 5, 2021 interview with CNN's Wolf Blitzer that COVID-19 vaccine "cannot prevent transmission." [Gateway Pundit. <https://www.thegatewaypundit.com/2021/10/cdc-director-walensky-covid-vaccines-cannot-prevent-transmission-china-coronavirus-video/>.]
1089. Walensky also stated: "So if you're going home to someone who is not vaccinated...I would suggest you wear a mask in public indoor settings."
1090. "CDC acknowledges that vaccinated individuals carry at least as many COVID germs in their noses as the unvaccinated. CDC cited this revelation to justify its August 2021 mask mandate." [Kennedy, Jr., pg. 95.]
1091. Dr. McCullough observed: "[E]ach vaccinated person is now a kind of Typhoid Mary for COVID, spreading concentrated viral loads of vaccine resistant mutants to vaccinated and unvaccinated alike." [Kennedy, Jr., pg. 95.]
1092. Although the vaccinated could still contract COVID-19, they didn't have to be tested regularly or show proof of their negative status.
1093. It cannot be disputed that current vaccines are ineffective against newer strains.
1094. In an August 25, 2021 article published by The BMJ Opinion, they stated: "More vaccinated people are dying of the delta variant of covid than unvaccinated people, according to a recent report from Public Health England. The report shows that 489 of 742 people (65.9%) who died of the delta variant within 28 days of a positive covid test between 1 February 2021 and 2 August 2021, had received at least one dose of the vaccine. 54.1% (402 of 742) had received both doses." [https://blogs.bmj.com/bmj/2021/08/25/significant-proportions-of-people-admitted-to-hospital-or-dying-from-covid-19-in-england-are-vaccinated-this-doesnt-mean-the-vaccines-dont-work/]
1095. "While most Delta infections have been in people who have not had a vaccine, data also has shown the variant to have increased transmissibility even among some vaccinated people." [Katella.]

1096. It cannot be disputed that a person can never be "fully" vaccinated.
1097. Although two vaccines were initially required for the Pfizer and Moderna mRNA vaccines, in less than a year, the FDA has now recommended a booster and there is talks that a fourth vaccine might be needed.
1098. It cannot be disputed that COVID-19 vaccine is responsible for the numerous variants that now exist, including delta, omicron and ihu.
1099. On December 10, 2021, Reuters reported that "Most of the 43 COVID-19 cases caused by the Omicron variant identified in the United States so far were in people who were fully vaccinated, and a third of them had received a booster dose, according to a U.S. report published on Friday." [Mrinalika Roy. Reuters. "Most reported U.S. Omicron cases have hit the fully vaccinated - CDC." December 10, 2021. <https://www.reuters.com/world/us/most-reported-us-omicron-cases-have-hit-fully-vaccinated-cdc-2021-12-10/>.]
1100. The article additionally stated: "The U.S. Centers for Disease Control and Prevention (CDC) said that of the 43 cases attributed to Omicron variant, 34 people had been fully vaccinated. Fourteen of them had also received a booster, although five of those cases occurred less than 14 days after the additional shot before full protection kicks in."
1101. The surge in the number of COVID-19 cases were due to the vaccines.
1102. The makers of these vaccines, including Fauci, knew that they had the potential to make people worse than before taking the vaccine.
1103. In an interview with Facebook founder Mark Zuckerberg in 2020, DEFENDNAT Fauci stated: "This would not be the first time, if it happened, that a vaccine that looked good in initial safety, actually made people worse. There's the history of the respiratory vaccine in children which paradoxically which made the children worse. One of the HIV vaccines that we tested several years ago actually made individuals more likely to get infected."
1104. It cannot be disputed that natural immunity is stronger than artificially induced immunity.
1105. In a study published in August of 2021, they "demonstrated that natural immunity confers longer lasting and stronger protection against infection, symptomatic disease and hospitalization caused by the Delta variant of SARS-CoV-2, compared to the BNT162b2 two-dose vaccine-induced immunity. Individuals who were both previously infected with SARS-CoV-2 and given a single dose of the vaccine gained additional protection against the Delta variant." ["Comparing SARS-CoV-2 natural immunity to vaccine-induced immunity: reinfections versus breakthrough infections." MedRxiv. August 25, 2021. <https://www.medrxiv.org/content/10.1101/2021.08.24.21262415v1.article-info>.]
1106. "A September 2021 Israeli study demonstrating that natural immunity provides 27x better protection against COVID than the Pfizer vaccine is just one of 29 recently published, peer-reviewed studies that vouch for the superiority of natural immunity." [Kennedy, Jr., pg. 76.]
1107. In another "study published by the U.K.'s Office of National Statistics (ONS)," it "looked at more than 8,000 positive coronavirus tests across Britain between May and August, when delta was the dominant variant" and found that "people who had previously recovered from Covid-19 were about 71% less likely to contract it a second time" which "represents about the same level of protection the study found was offered by two doses of the vaccines made by Pfizer and AstraZeneca, which have been prominently used in Europe's inoculation drive." [Jemima McEvoy. Forbes. October 18, 2021. <https://www.forbes.com/sites/jemimamcevoy/2021/10/18/prior-covid-infection-is-as-effective-at-preventing-the-virus-as-vaccination-uk-study-suggests/?sh=721ac60e589f>.]
1108. Many vaccines have been responsible for producing the viruses it's been designed to prevent.
1109. "Doctors and scientists on the staff of the National Institutes of Health during the 1950s were well aware that the Salk vaccine was causing polio. Some frankly stated that it was "worthless as a preventive and dangerous to take." They refused to vaccinate their own children. Health departments banned the inoculations." [Kennedy, Jr.]
1110. "[T]he polio vaccine ha[d] been the only cause of polio [for] children in the United States." [Payne, MD.]
1111. "The Idaho State Health Director angrily declared: "I hold the Salk vaccine and its manufacturers responsible" for a polio outbreak that killed several Idahoans and hospitalized dozens more." [Kennedy, Jr.]
1112. Salk himself was quoted as saying: "When you inoculate children with a polio vaccine you don't sleep well for two or three weeks." But the National Foundation for Infantile Paralysis, and drug companies with large investments in the vaccine coerced the U.S. Public Health Service into falsely proclaiming the vaccine was safe and effective." [Kennedy, Jr.]
1113. In 1976, Dr. Jonas Salk, creator of the polio vaccine, testified that the live-virus vaccine (used almost exclusively in the U.S. from the early 1960s to 2000) was the "principal if not sole cause" of all reported polio cases in the U.S. since 1961. [Kennedy, Jr.]
1114. "The even more daunting obstacle to coronavirus vaccines was their tendency to induce 'pathogenic priming' — also known as 'antibody-dependent enhancement' (ADE)." [Kennedy, Jr., pg. 71.]
1115. ADE is "an overstimulation of immune system response that can cause severe injuries and death when vaccinated individuals subsequently encounter the wild viruses." [Kennedy, Jr., pg. 71.]

1116. "In early experiments, coronavirus vaccines produced a robust immune response in both animals and children — temporarily heartening researchers — but then tragically killing the vaccine recipients upon re-exposure to the wild virus, or making them vulnerable to uniquely debilitating infections." [Kennedy, Jr., pg. 71.]
1117. In his March 5, 2020 testimony before the House Science, Space and Technology Committee on Coronavirus, Bill Gates' paid mouthpiece, Dr. Peter Hotez, cautioned: 'One of the things we're not hearing a lot about is the unique potential safety problem of coronavirus vaccines. With certain types of respiratory virus vaccines you get immunized, and then when you get actually exposed to the virus, you get this kind of paradoxical immune enhancement phenomenon.'" [Kennedy, Jr., pg. 71.]
1118. "Dr. Hotez confessed to the committee that his colleagues had killed a number of children from pathogenic priming during experiments with the respiratory syncytial virus (RSV) vaccines in 1966, and recounted that during his own earlier work on coronavirus vaccines, he saw the same effect on ferrets." [Kennedy, Jr., pg. 71.]
1119. During Fauci's March 26, 2020 White House coronavirus briefing, he acknowledged the perils of pathogenic priming by stating: "The issue of safety is something I want to make sure the American public understands: does the vaccine make you worse? And there are diseases, in which you vaccinate someone, they get infected with what you're trying to protect them with [sic] and you actually enhance the infection. That's the worst possible thing you could do — is vaccinate somebody to prevent infection and actually make them worse.'" [Kennedy, Jr., pg. 72.]
1120. Fauci and his confederates employed at least six strategies for minimize the risk of ADE: 1. Abort the three-year clinical trials at six months and then vaccinate the controls — a preemption that would prevent detection of long-term injuries; 2. Fauci refused to fix HHS's designed-to-fail vaccine injury surveillance system (VAERS); 3. Enlist mainstream and social media companies to make reporting of injuries and deaths disappear from the airwaves, newspapers and the Internet, and therefore from the public consciousness; 4. Fauci allowing the CDC to discourage autopsies in deaths following vaccination; 5. Populating key FDA and CDC committees with NIAID, NIH and Gates Foundation grantees and loyalists and 6. Striving to eliminate the control group to hid vaccine injuries by trying to vaccinate the entire population. [Kennedy, Jr., pg. 72-75.]
1121. "By November 2021, that retinue of concerning devices largely succeeded in concealing from Americans the well-established facts that [Fauci's] vaccines neither prevented the disease nor its transmission, and that COVID vaccines were killing and injuring record numbers of Americans." [Kennedy, Jr., pg. 76.]
1122. In all known cases, natural immunity is superior to vaccine-induced immunity, "being both more durable (if often lasts a lifetime) and broader spectrum — meaning it provides a shield against subsequent variants." [Kennedy, Jr., pg. 9.]
1123. In pushing the vaccine, the United States of America, NIAID, Fauci and the CDC have "ignore[d] naturally acquired immunity among the COVID-19 recovered, of which there are more than 45 million in the United States." [Martin Kulldorff and Jay Bhattacharya. "How Fauci Fooled America | Opinion." Newsweek. November 1, 2021.]
1124. On November 4, 2021, Xavier Becerra admitted when asked by Sen. Paul, that he was "not familiar" with the study out of Israel showing that out of 2.5 million patients, the vaccinated were 7 times more likely to get infected with COVID than the people who'd acquired natural immunity.
1125. In response, Paul stated: "Well, you would think that you would want to be if you're going to travel the country insulting the millions of Americans...who have had COVID, recovered, look at a study with 2.5 million people and say, 'Well, you know what? It looks like my immunity is as good as the vaccine or not. In a free country, maybe I out to be able to make that decision.' Instead, you've chosen to travel the country calling people... 'flat earthers.' We find that very insulting. It goes against the science."
1126. Xavier Becerra is the Secretary of Health and Human Services.
1127. Becerra is a lawyer and politician, and is not a medical doctor and did not obtain a degree in science.
1128. "It is not true that an experimental injection is the only way one can reach immunity." [Skrupac.]
1129. United States of America and its agents, including but not limited to Fauci, refused to advocate natural and holistic remedies to its citizens that are known to keep people healthy and/or boost one's immune system (e.g. healthy eating, sunlight, exercise, body contact, grounding, human contact, colloidal silver, black seed oil, elderberry, lysine, sea moss, mushrooms, zinc, etc.).
1130. Thus, the COVID-19 vaccines "confer no benefits to individuals or society and their long-term costs are foreboding and largely unknown." [Kennedy, Jr., pg. 92.]

[EUA Should've Never Been Granted for COVID-19 Vaccines]

1131. In Ecclesiasticus 38:4, it states: "The Lord hath created medicines out of the earth; and he that is wise will not abhor them."
1132. In April of 2020, China lifted its lockdown and didn't require vaccines to do so.
1133. "The Chinese published their own early treatment protocol on March 3, 2020, using many of the same categories of prophylactic and early treatment drugs uncovered by McCollough — chloroquine (a cousin of hydroxychloroquine), antibiotics, anti-inflammatories, antihistamines, a variety of steroids, and probiotics to stabilize and fortify the immune system and apothecaries of

traditional Chinese medicines, vitamins, and minerals, including a variety of compounds containing quercetin, zin and glutathione precursors." [Kennedy, Jr., pg. 13.]

1134. In a March 25, 2020 article published by National Geographic, it states: "Less than a month after taking steps to permanently ban the trade and consumption of live wild animals for food, the Chinese government has recommended using Tan Re Qing, an injection containing bear bile, to treat severe and critical COVID-19 cases. It is one of a number of recommended coronavirus treatments—both traditional and Western — on a list published March 4 by China's National Health Commission, the government body responsible for national health policy." [Rachel Fobar. "China promotes bear bile as coronavirus treatment, alarming wildlife advocates." National Geographic. March 25, 2020. <https://www.nationalgeographic.com/animals/article/chinese-government-promotes-bear-bile-as-coronavirus-covid19-treatment>.]
1135. Anthony Fauci refused to advocate for healthy and natural alternatives to boost one's immunity.
1136. Preoccupied with his single vaccine solution, Fauci "did little in the way of telling Americans how to bolster their immune response." [Kennedy, Jr., pg. 6.]
1137. Sunlight, l-lysine, elderberry, zinc, sea moss, exercise, grounding and human contact are a few natural remedies known to boost an individual's immune response.
1138. Fauci "never took time during his daily White House briefings from March to May 2020 to instruct Americans to avoid tobacco (smoking and e-cigarettes/vaping double death rates from COVID); to get plenty of sunlight and to maintain adequate vitamin D levels ('Nearly 60 percent of patients with COVID-19 were vitamin D deficient upon hospitalization, with men in the advanced stages of COVID-19 pneumonia showing the greatest deficit'); or to diet, exercise, and lose weight ('78 percent of Americans hospitalized for COVID-19 were overweight or obese')." [Kennedy, Jr., pg. 6.]
1139. Fauci "didn't recommend avoiding sugar and soft drinks, processed foods, and chemical residues, all of which amplify inflammation, compromise immune response, and disrupt the gut biome which governs the immune system." [Kennedy, Jr., pg. 6.]
1140. "During the centuries that science has fruitlessly sought remedies against coronavirus (aka the common cold), only zinc has repeatedly proven its efficacy in peer-reviewed studies." [Kennedy, Jr., pg. 6.]
1141. Fauci "never advised Americans to increase zinc uptake following exposure to infection." [Kennedy, Jr., pg. 6.]
1142. Fauci also never advanced hydroxychloroquine ("HCQ") and ivermectin ("IVM") — two drugs proven to effectively treat COVID-19.
1143. Fauci's "strategy committed hundreds of billions of societal resources on a high-risk gambit to develop novel technology vaccines, and virtually nothing toward developing repurposed medications that are effective against COVID." [Kennedy, Jr., pg. 9.]
1144. Fauci advanced failed and harmful drugs like remdesivir and molnupiravir.
1145. "From the outset, hydroxychloroquine and other therapeutics posed an existential threat to [Fauci] and Bill Gates' \$48 billion COVID vaccine project, and particularly their vanity drug remdesivir, in which Gates has a large stake." [Kennedy, Jr., pg. 19.]
1146. "From the outset, hydroxychloroquine and other therapeutics posed an existential threat to [Fauci] and Bill Gates' \$48 billion COVID vaccine project, and particularly their vanity drug remdesivir, in which Gates has a large stake." [Kennedy, Jr., pg. 19.]
1147. During public health emergencies, "the FDA has the legal power to grant emergency use authorization to certain products if they meet specific criteria and if there's no adequate, approved and available alternative to treat the malady."
1148. "Under federal law, new vaccines and medicines cannot qualify for Emergency Use Authorization (EUA) if any existing FDA-approved drug proves effective against the same malady." [Kennedy, Jr., pg. 19.]
1149. "Thus, if any FDA-approved drug...proved effective against COVID, pharmaceutical companies would no longer be legally allowed to fast-track their billion dollar vaccines to market under Emergency Use Authorization. Instead, vaccines would have to endure the years-long delays that have always accompanied methodical safety and efficacy testing, and that would mean less profits, more uncertainty, longer runways to market, and a disappointing end to the lucrative COVID-19 vaccine gold rush." [Kennedy, Jr., pg. 20.]
1150. "The prospect of an existing therapeutic drug (with an expired patent) that could outperform any vaccine in the war against COVID posed a momentous threat to the pharmaceutical cartel. Among the features pharma companies most detest is low cost, and HCQ is about \$10 per course. Compare that to more than \$3000 per course for [Fauci's] beloved remdesivir." [Kennedy, Jr., pg. 24.]
1151. Compromised government health officials "silenced doctors who offered any early treatments that might compete with vaccines or who refused to pledge unquestioning faith in zero liability, shoddily tested, experimental vaccines." [Kennedy, Jr., pg. 5.]
1152. "Fauci deliberately led an effort to derail America's access to lifesaving drugs and medicines that might have saved hundreds of thousands of lives and dramatically shortened the pandemic." [Kennedy, Jr., pg. 19.]
1153. "The relentless malpractice of deliberately withholding early effective COVID treatments, of forcing the use of toxic remdesivir, may have unnecessarily killed up to 500,000 Americans in hospitals." [Kennedy, Jr., pg. 17.]

1154. Dr. Cole, who has overseen or helped perform over 125,000 COVID tests during the pandemic and provided early treatment to over 300 positive patients, stated: "Never in the history of medicine has early treatment, of any patient with any disease, been so overly neglected by the medical profession on such a massive scale." [Kennedy, Jr., pg. 17.]
1155. According to Dr. Cole, the only true deadly pandemic has been the "pandemic of under treatment." [Kennedy, Jr., pg. 17.]
1156. Dr. McCullough stated: "We could have dramatically reduced COVID fatalities and hospitalizations using early treatment protocols and repurposed drugs including ivermectin and hydroxychloroquine and many, many others." [Kennedy, Jr., pg. 8.]
1157. "Leading doctors and scientists, including some of the nation's most highly published and experienced physicians and front-line COVID specialists like McCullough, Kory, Ryan Cole, David Brownstein, and Risch believe that [Fauci's] suppression of early treatment and off-patent remedies was responsible for up to 80 percent of the deaths attributed to COVID." [Kennedy, Jr., pg. 17.]
1158. By controlling the CDC and FDA to promote the "killer virus pandemic" narrative as long as possible, United States of America, NIAID, Fauci, NIH and others were able to "justify taking emergency measures that short-cut the normal procedures for bringing novel, new drugs to the market." [Shilhavy.]
1159. Fauci prolonged the epidemic "in order to impose expensive patented drugs and vaccines on a captive population, during a pandemic that has crashed the world economy, caused famines, and destroyed lives." [Kennedy, Jr., pg. 37.]
1160. Fauci "dictated a series of policies that resulted in by far the most deaths, and one of the highest percentage [of] COVID-19 body counts of any nation on the planet." [Kennedy, Jr., pg. xcii.]
1161. "In the midst of a pandemic, with hundreds of thousands of deaths attributed to COVID, and the economy in free fall, [Fauci's] suggestion that we withhold promising treatments that have an established safety profile — from patients who have a potentially lethal disease — pending the completion of randomized controlled clinical trials, is highly manipulative and utterly unethical." [Kennedy, Jr., pg. 36.]
1162. "It is not medically ethical to allow a COVID-19 patient to deteriorate in the early stages of the infection when there is an inexpensive, safe, and demonstrably effective HCQ treatment that CDC's and NIAID's own studies show block coronavirus replication." [Kennedy, Jr., pg. 36.]
1163. Fauci's "shocking inconstancy and ethical breaches are congruent with his long history of promoting Big Pharma's more profitable patented products and using his power and influence to advance its agenda without regard to public health." [Kennedy, Jr., pg. 37.]
1164. Fauci's "leadership role in this deadly scandal is consistent with his long history of discrediting therapies that compete with vaccines and other patented pharmaceutical products." [Kennedy, Jr., pg. 37.]
1165. Due to the invoking of the PREP Act (Public Readiness and Emergency Preparedness Act) for the first time in our nation's history, the COVID19 vaccine [was] fast-tracked without the usual testing and safety precautions, and will undoubtedly become the first mRNA-based vaccine to be tested in the U.S. and world population.
1166. "Congress passed the CARES Act signed into law on Mar. 27, 2020 that...cost American taxpayers over two trillion dollars. The federal legislation includes \$27B for development of COVID-19 vaccines, drug therapies and purchase of pandemic medical supplies." [Barbara Loe Fisher. "Meet the New Billionaires Club: COVID-19 Vaccine Developers." Health Impact News. April 13, 2020. <https://healthimpactnews.com/2020/meet-the-new-billionaires-club-covid-19-vaccine-developers/>.]
1167. Any doctor advancing vaccines to the public is violating the Hippocratic Oath and the Nuremberg Code.

e. COVID-19's Disparate Impact on the African American Community:

[Virus]

1168. When asked about the racial disparities emerging amid the pandemic during the House Energy and Commerce Committee hearing on the "Oversight of the Trump Administration's Response to the Covid-19 Pandemic," Fauci said "unfortunately we have a situation where it's sort of a double whammy." But also, "obviously, the African American community has suffered from racism for a very, very long period of time. I can't imagine that that is not contributing to the conditions that they find themselves in, economically or otherwise." [Jacqueline Howard. "Institutional racism contributes to Covid-19's 'double whammy' impact on the Black community, Fauci says." CNN. June 23, 2020. <https://www.cnn.com/2020/06/23/health/coronavirus-pandemic-racism-fauci-bn/index.html>.]
1169. During a commencement address given virtually to new graduates of Emory University, Fauci's acknowledged the role racism is playing on the disparate outcomes related to COVID-19. He stated: "Now, very few of these comorbidities [with COVID-19] have racial determinants. Almost all relate to the social determinants of health dating back to disadvantageous conditions that some people of color find themselves in from birth regarding the availability of an adequate diet, access to health care and the undeniable effects of racism in our society," [Bowden.]

1170. Prior, on the US Department of Health and Human Services' podcast "Learning Curve" podcast, Fauci "African-Americans have suffered disproportionately from coronavirus disease. They've suffered in that their rate of infection is higher because of the nature of the economic status that many of them find themselves in where they're outside working, being unable to physically separate." [Jacqueline Howard. "Institutional racism contributes to Covid-19's 'double whammy' impact on the Black community, Fauci says." CNN. June 23, 2020. <https://www.cnn.com/2020/06/23/health/coronavirus-pandemic-racism-fauci-bn/index.html>.]
1171. In a FOX News article titled "Lead NIH Coronavirus Researcher Suggested Pandemic Could Be 'Genocide', Said Doctors Would Let Blacks Die," published on April 17, 2020, it states immunologist at the NIAID, 34 year old Dr. Kizzmekia Corbett, called the "pandemic a black 'genocide' and condemned what she called 'systemic oppression' by white people." [Gregg Re. "Lead NIH coronavirus researcher suggested pandemic could be 'genocide', said doctors would let blacks die." FOX News. April 17, 2020. <https://www.foxnews.com/politics/coronavirus-researcher-pandemic-genocide-blacks-nih>.]
1172. "Corbett is described as one of the 'lead' members of the U.S. government team trying to find a cure for a coronavirus vaccine."
1173. The article states "[s]he further slammed the White House coronavirus task force in February, saying it 'is largely people (white men) he appointed to their positions as directors of blah blah institute. They are indebted to serve him NOT the people.'" [Re.]
1174. "On March 29, Corbett tweeted out a Bloomberg article about how the poor are dying at higher rates from coronavirus. In her tweet, she said that doctors would deliberately choose to deny ventilators to black Americans, leaving them to die instead." [Re.]
1175. "She added: 'I tweet for the people who will die when doctors has [sic] to choose who gets the last ventilator and ultimately...who lives. The poor. And, while the article doesn't explicitly say it...the black.'" [Re.]
1176. "Researchers have linked the higher rates of deaths in those groups to social factors including housing and employment as well as some health factors including higher rates of diabetes and other underlying conditions in those communities." [John Bowden. "Fauci: Pandemic showed 'undeniable effects of racism' in society." The Hill. May 16, 2021. <https://thehill.com/blogs/blog-briefing-room/news/553790-fauci-coronavirus-pandemic-showed-undeniable-effects-of-racism>.]

[Lockdowns]

1177. America's trusted institutions acted in "concert to generate fear, promote obedience, discourage critical thinking, and herd seven billion people to march to a single tune, culminating in mass public health experiments with a novel, shoddily tested and improperly licensed technology." [Kennedy, Jr., pg. xiv.]
1178. Fauci's "strategy for managing the COVID-19 pandemic was to suppress viral spread by mandatory masking, social distancing, quarantining the healthy (also known as lockdowns), while instructing COVID patients to return home and do nothing — receive no treatment whatsoever — until difficulties breathing sent them back to the hospital to submit to intravenous remdesivir and ventilation." [Kennedy, Jr., pg. 1.]
1179. "Throughout the first year of the crisis, Dr. Fauci's personal charisma and authoritative voice inspired confidence in his prescriptions and won him substantial — though not universal — affection." [Kennedy, Jr., pg. xvi.]
1180. "Many Americans, dutifully locked in their homes in compliance with Dr. Fauci's quarantine, took consolation in their capacity to join a Tony Fauci fan club, chillax on an 'I heart Fauci' throw pillow, sip from an 'In Fauci We Trust' coffee mug, warm cold feet in Fauci socks and booties, gorge on Fauci donuts, post a 'Honk for Dr. Fauci' yard sign, or genuflect before a Dr. Fauci prayer candle. Fauci aficionados could choose from a variety of Fauci browser games and a squadron of Fauci action figures and bobbleheads, and could read his hagiography to their offspring from a worshipful children's book. At the height of the lockdown, Brad Pitt, performed a reverential homage to Dr. Fauci on Saturday Night Live, and Barbara Streisand surprised him with a recorded message during a live Zoom birthday party in his honor. The New Yorker dubbed him 'America's Doctor.'" [Kennedy, Jr., pg. xvi-xvii.]
1181. For most of last 2020, various states imposed arbitrary lockdowns and quarantines, prevented people from attending birthdays parties and funerals, required everyone to wear masks and socially distance at least six feet.
1182. "Across Western nations, shell-shocked citizens experienced all the well-worn tactics of rising totalitarianism — mass propaganda and censorship, the orchestrated promotion of terror, the manipulation of science, the suppression of debate, the vilification of dissent, and use of force to prevent protest." [Robert F. Kennedy, Jr. The Real Anthony Fauci. pg. xiv. 2021.]
1183. "This approach to ending an infectious disease contagion had no public health precedent and anemic scientific support" and was "grossly ineffective." [Kennedy, Jr., pg. 1.]
1184. As a result, America "racked up the world's highest body counts." [Kennedy, Jr., pg. 1.]
1185. "American lives and livelihoods were shattered by a bewildering array of draconian diktats imposed without legislative approval or judicial review, risk assessment or scientific citation." [Kennedy, Jr., pg. xiv.]
1186. "So-called Emergency Orders closed our businesses, schools and churches, made unprecedented intrusions into privacy, and disrupted our most treasured social and family relationships." [Kennedy, Jr., pg. xiv.]

1187. The lockdowns and shutdowns had large, negative economic consequences, resulting in many businesses filing for bankruptcy and massive unemployment.
1188. Fauci "seems to have not considered that his unprecedented quarantine of the healthy would kill far more people than COVID, obliterate the global economy, plunge millions into poverty and bankruptcy, and grievously wound constitutional democracy globally." [Kennedy, Jr., pg. xviii.]
1189. Fauci's "lockdown predictably shattered the nation's [economy], putting 58 million Americans out of work, and permanently bankrupting small businesses, including 41 percent of Black-owned businesses, some of which took generation of investments to build." [Kennedy, Jr., pg. xix.]
1190. "Unemployment shock is expected to cause 890,000 additional deaths over the next 15 years." [Kennedy, Jr., pg. xix.]
1191. "The business closures contributed to a run-up in the national deficit – the interest payments alone will cost almost \$1 trillion annually." [Kennedy, Jr., pg. xix-xx.]
1192. "That ruinous debt will likely permanently bankrupt the New Deal programs – the social safety net that, since 1945, fortified, nurtured, and sustained America's envied middle-class." [Kennedy, Jr., pg. xx.]
1193. "Governmental officials have already begun liquidating the almost 100-year legacies of the New Deal, New Frontier, the Great Society, and Obamacare to pay the accumulated lockdown debts." [Kennedy, Jr., pg. xx.]
1194. "As [Fauci's] policies took hold globally, 300 million humans fell into dire poverty, food insecurity, and starvation." [Kennedy, Jr., pg. xix.]
1195. "According to the Associated Press (AP), during 2020, 10,000 children died each month due to virus-linked hunger from global lockdowns. In addition, 500,000 children per month experienced wasting and stunting from malnutrition – up 6.7 million from last year's total of 47 million – which can 'permanently damage children physically and mentally, transforming individual tragedies into a generational catastrophe.'" [Kennedy, Jr., pg. xix.]
1196. "In 2020, disruptions to health and nutrition services killed 228,000 children in South Asia." [Kennedy, Jr., pg. xix.]
1197. "Deferred medical treatments for cancers, kidney failure, and diabetes killed hundreds of thousands of people and created epidemics of cardiovascular disease and undiagnosed cancer." [Kennedy, Jr., pg. xix.]
1198. "One-third of teens and young adults reported worsening mental health during the pandemic." [Kennedy, Jr., pg. xix.]
1199. According to an Ohio State University study, suicide rates among children rose 50 percent. [Kennedy, Jr., pg. xix.]
1200. "An August 11, 2021 study by Brown University found that infants born during the quarantine were short, on average, 22 IQ points as measured by Baylor scale tests." [Kennedy, Jr., pg. xix.]
1201. "Due to Fauci's narrow focus on the solution of mass vaccination," he "never mentioned any of the many other costs associated with his policy directives." [Kennedy, Jr., pg. xviii.]
1202. Some 93,000 Americans died of overdoses in 2020 – a 30 percent rise over 2019 – and overdoses from synthetic opioids increased by 38.4 percent. [Kennedy, Jr., pg. xix.]
1203. "Three million children disappeared from public school systems, and ERs saw a 31 percent increase in adolescent mental health visits." [Kennedy, Jr., pg. xix.]
1204. Millions of hospitals and nursing home patients died alone without comfort or a final goodbye from their families. [Kennedy, Jr., pg. xix.]
1205. "The lockdown disintegrated vital food chains, dramatically increased rates of child abuse, suicide, addiction, alcoholism, obesity, mental illness, as well as debilitating developmental delays, isolation, depression, and severe educational deficits in young children." [Kennedy, Jr., pg. xix.]
1206. "We have no way of knowing how many people died from isolation, unemployment, deferred medical care, depression, mental illness, obesity, stress, overdoses, suicide, addiction, alcoholism, and the accidents that so often accompany despair." [Kennedy, Jr., pg. xviii.]
1207. Despite his acknowledgement to the New York Times that he had twice lied to Americans on masks and herd immunity to promote his agenda, Fauci "encouraged his own canonization and the disturbing inquisition against his blasphemous critics." [Kennedy, Jr., pg. xvi.]
1208. "Peer-reviewed science offered anemic if any support for masking, quarantines, and social distancing, and [Fauci] offered no citations or justifications to support his diktats." [Kennedy, Jr., pg. 1]
1209. "Both common sense and the weight of scientific evidence suggest that all these strategies, and unquestionably shutting down the global economy, caused far more injuries and deaths than they averted." [Kennedy, Jr., pg. 1.]
1210. Given that African Americans are at the bottom of the United States of America's socioeconomic ladder, they have historically been hit the hardest during periods of economic and/or societal turmoil.
1211. "Only relentless propaganda and wall-to-wall censorship could conceal [Fauci's] disastrous mismanagement during COVID-19's first year." [Kennedy, Jr., pg. xvii.]
1212. "The very governmental health regulators, social media eminence, and media companies that idealistic populations relied upon as champions of freedom, health, democracy, civil rights and evidence-based public policy" collected acted "in concert to generate fear, promote obedience, discourage critical thinking, and herd seven billion people to march to a single tune,

- culminating in mass public health experiments with a novel, shoddily tested and improperly licensed technology so risky that that manufacturers refused to produce it unless every government on Earth shielded them from liability." [Kennedy, Jr., pg. xiv.]
1213. "[T]he lockdown of the healthy was so unprecedented that WHO's official pandemic protocols recommended against them. Some WHO officials were passionate on the topic, among them Professor David Nabarro, Senior Envoy on COVID-19, a position reporting to the Director General." [Kennedy, Jr., pg. 3.]
1214. On October 8, 2020, Nabarro stated: "We in the World Health Organization do not advocate lockdowns as a primary means of controlling this virus. We may well have a doubling of world poverty by next year. We'll have at least a doubling of child malnutrition because children are not getting meals at school and their parents in poor families are not able to afford it. This is a terrible, ghastly, global catastrophe, actually, and so we really do appeal to all world leaders: Stop using lockdown as your primary control method...lockdowns just have one consequence that you must never ever belittle — and that is making poor people an awful lot poorer." [Kennedy, Jr., pg. 3.]
1215. Fauci admitted that he never assessed the costs of desolation, poverty, unhealthy isolation, and depression fostered by his countermeasures.
1216. Fauci stated: "I don't give advice about economic things. I don't give advice about anything other than public health." [Kennedy, Jr., pg. xix.]
1217. A June 24, 2021 BMI study showed that US life expectancy decreased by 1.9 years during the quarantine. [Kennedy, Jr., pg. xviii.]
1218. "Between 2018 and 2020, the 1.9 year decrease in average life expectancy at birth in the US was roughly 8.5 times the average decrease in 16 comparable countries, all of which were measured in months, not years." [Kennedy, Jr., pg. xviii.]
1219. "Since COVID mortalities were mainly among the elderly, and the average age of death from COVID in the UK was 82.4, which was above the average lifespan, the virus could not by itself cause the astonishing decline." [Kennedy, Jr., pg. xviii.]
1220. "Average life expectancy in the United States plummeted in 2020, widening the life expectancy gap between the U.S. and other high-income countries. The decline was particularly sharp among Hispanic and Black Americans, a new study found." [Kaitlin Sullivan. "U.S. life expectancy decreased by an 'alarming' amount during pandemic." NBC News. June 23, 2021. <https://www.nbcnews.com/health/health-news/u-s-life-expectancy-decreased-alarming-amount-during-pandemic-n1272206>.]
1221. "Between 2018 and 2020, the average Hispanic American lost around 3.9 years in longevity, while the average lifespan of a Black American dropped by 3.25 years." [Kennedy, Jr., pg. xviii.]
1222. "As the world watched, Tony Fauci dictated a series of policies that resulted in by far the most deaths, and one of the highest percentage of COVID-19 body counts of any nation on the planet." [Kennedy, Jr., pg. xvii.]
1223. "The US, with 4 percent of the world's population, suffered 14.5 percent of total COVID deaths." [Kennedy, Jr., pg. xvii.]
1224. By September 30, 2021, mortality rates in the US had climbed to 2,107/1,000,000, compared to 139/1,000,000 in Japan." [Kennedy, Jr., pg. xvii.]

[Vaccines]

1225. Based on the United States of America's history of medical racism towards people of African descent and clear evidence that vaccines cause more harm than good, the U.S. government's decision to impose mandatory vaccination on all citizens in order to be a part of society causes a disparate impact against people of African descent.
1226. "Gates, Fauci and the intelligence agency and pharmaceutical company partners repeatedly waged strategies for overcoming anticipated Black resistance in many of the dozen pandemic simulations leading up to COVID-19." [Kennedy, Jr., pg. 307.]
1227. "Once the pandemic was underway, HHS recruited Black preachers, HBCU college deans, civil rights leaders, and sports figures like Hank Aaron to soften jab hesitancy in the Black community." [Kennedy, Jr., pg. 307.]
1228. They also "staged press conferences and highly publicized celebrity vaccination confabs and extravagantly financed government advertising campaigns targeting Blacks in both the United States and Africa." [Kennedy, Jr., pg. 307.]
1229. In April of 2020, African American U.S. Surgeon General Jerome Adams, "dip[ped] into personal responsibility talking points — and some other questionable rhetoric — in remarks given to the press today about the disproportionate impact the novel coronavirus has had on black communities and other communities of color." [Anne Branigin. "Surgeon General Jerome Adams Tells Black People to Lay Off Alcohol, Tobacco, and Drugs to Prevent COVID-19 Deaths: 'Do It for Your Big Mama.'" The Root. April 10, 2020. <https://www.theroot.com/surgeon-general-jerome-adams-tells-black-people-to-lay-1842797456>.]
1230. Adams full statement was: "Avoid alcohol, tobacco, and drugs. And call your friends and family. Check in on your mother; she wants to hear from you right now. And speaking of mothers, we need you to do this, if not for yourself, then for your abuela. Do it for your granddaddy. Do it for your Big Mama. Do it for your Pop-Pop. We need you to understand — especially in communities of color, we need you to step up and help stop the spread so that we can protect those who are most vulnerable." [Zeesham Aleen. "The problem with the surgeon general's controversial coronavirus advice to Americans of color." Vox. April 11, 2020. <https://www.vox.com/2020/4/11/21217428/surgeon-general-jerome-adams-big-mama-coronavirus>.]

1231. On April 10, 2020, Melinda Gates lamented on CNN that she was "kept up at night" worrying about vulnerable populations in Africa. ["Melinda Gates: This is What Keeps Me Up At Night." CNN. April 10, 2020.]
1232. In a June 4, 2020 article published by TIME, Melinda Gates stated: "The first people that need this vaccine are the 60 million health care workers around the world. They deserve to get it before anybody else. Then you start tiering. In the U.S., that would be black people next, quite honestly, and many other people of color. They are having disproportionate effects from COVID-19. From there, people with underlying health conditions, and then people who are older. Those are the ones who all need it first. We also need to think about essential workers who are keeping our grocery stores open for us so we can buy food, or who are making sure that food moves through the warehouses." [Jamie Ducharme. "Melinda Gates Lays Out Her Biggest Concern for the Next Phase of the COVID-19 Pandemic." TIME. June 4, 2020. <https://time.com/5847483/melinda-gates-covid-19/>.]
1233. Texas Lieutenant Governor Dan Patrick falsely claimed that "African Americans who have not been vaccinated" were driving the state's COVID-19 stats up. [The Washington Post. <https://www.washingtonpost.com/nation/2021/08/20/dan-patrick-covid-african-americans/>.]
1234. In December of 2020, Fauci scolded resistance in the Black community, stating: "The time is now to put skepticism aside." [Kennedy, Jr., pg. 307.]
1235. Without citing any studies demonstrating the vaccine was safe, Fauci said, "The first thing that you might want to say to my African brothers and sisters is that the vaccine you're going to be taking was developed by an African-American woman — and that's just a fact." [Zoe Christen Jones. "Fauci Urges Black Community to be Confident in COVID-19 Vaccine: 'The Time is Now to Put Skepticism Aside.'" CBS News. December 8, 2020.]
1236. While approximately half of all white Americans were vaccinated by August of 2021, only 38 percent of African Americans had received at least one shot, the lowest rate of any ethnic or racial group. [Tobin.]
1237. Although "Africa is currently the continent least affected by COVID-19, with nearly 7,500 cases and more than 320 deaths [as of April 2020]," two French doctors went on French television channel, LCI, and suggested that a potential vaccine for coronavirus should be first tested on people in Africa. "It may be provocative. Should we not do this study in Africa where there are no masks, no treatment or intensive care, a little bit like it's been done for certain AIDS studies, where among prostitutes, we try things, because we know that they are highly exposed and don't protect themselves?" said Jean-Paul Mira, head of the intensive care unit at the Cochin Hospital in Paris. Camille Loch, research director at France's national health institute, Inserm, agreed: "You are right. And by the way, we are thinking of in parallel about a study in Africa using this same approach." [Rebecca Rosman. "Racism row as French doctors suggest virus vaccine test in Africa." Al Jazeera. April 4, 2020. <https://www.aljazeera.com/news/2020/4/4/racism-row-as-french-doctors-suggest-virus-vaccine-test-in-africa/>.]
1238. Fauci has "presided over a progression of increasingly draconian forms of coercion to compel vaccination of the entire population." [Kennedy, Jr., pg. 75.]
1239. "With [Fauci's] open encouragement, universities, schools, businesses, hospitals, public employers, and a litany of other societal power centers simultaneously launched numbing waves of strong-arm tactics to compel unwilling Americans to submit to vaccination, including threats of discrimination, job loss, exclusion from schools, parks, sports and entertainment venues, bars, restaurants, military service, public employment, travel and health care." [Kennedy, Jr., pg. 75.]
1240. Throughout the course of the "pandemic," federal policies have treated the "vaccine-hesitant as dangerous public enemies." [Kennedy, Jr., pg. 75.]
1241. The unvaccinated have "experienced exclusion, marginalization, vilification, purges by social media platforms and mainstream media, as well as threats of violence, incarcerations, legal reprisals, and deprivation of rights." [Kennedy, Jr., pg. 75.]
1242. During a national address on September 9, 2021, Joe Biden warned, "Our patience is wearing thin." [Kennedy, Jr., pg. 75.]
1243. "New York City Mayor Bill de Blasio threatened to exclude the unvaccinated from subways, gyms, bars, and businesses." [Kennedy, Jr., pg. 75.]
1244. "In October 2021, New York Governor Kathy Hochul promised to deny driver's licenses and automobile registration to the unvaccinated." [Kennedy, Jr., pg. 75.]
1245. "A Colorado hospital announced the removal of unvaccinated patients from its lists of those eligible for organ transplants." [Kennedy, Jr., pg. 75.]
1246. "The relentless broadcast of frightening and purposefully inflated COVID death reports stoked fears of the contagion that convinced many Americans to believe the government's mantra that COVID vaccines were 'safe and effective' and that, to the extent that they weren't, 'the vaccines cause more good than harm.'" [Kennedy, Jr., pg. 76.]
1247. Fauci's desire to eliminate the control group during the six-month vaccine trial studies explains his "reckless and ferocious drive to vaccinate every last American, even those who have natural immunity and nothing to gain from vaccination, Americans below fifty, even kindergarten-age children with zero risk from COVID, and pregnant women, despite a nearly complete lack of information about the jab's impact on the fetus." [Kennedy, Jr., pg. 75.]
1248. Fauci's desire to have the entire world vaccinated contradicted earlier statements made in a 2015 interview, where he stated: "I mean, if a parent feels strongly against [vaccination], that parent can go get an exemption. So there's never a situation

- where someone is going to tie you down and vaccinate you or say you can't go to any schools at all if you're not vaccinated. Nowhere should you force someone to do anything." [Kennedy, Jr., pg. 75.]
1249. In 2021, the United States of America's government and media tried to ostracize African American public figures like, Nicki Minaj and Kyrie Irving, who have spoken out against and/or voiced concerns regarding the safety of vaccines.
1250. NBA basketball player Irving risked losing \$381,000 per game if he remained unvaccinated.
1251. Former Atlanta Hawks point guard Brandon Goodwin's season ended early last year due to "minor respiratory condition," but in or around October 2, 2021, Goodwin revealed that he'd gotten a rare blood clot that ended his NBA season. Rashad Miligan. "Former Atlanta Hawks guard Brandon Goodwin claims COVID-19 vaccine ended his season." Peachtree Hoops. October 3, 2021. <https://www.peachtreehoops.com/2021/10/3/22706769/former-atlanta-hawks-guard-brandon-goodwin-claims-covid-19-vaccine-ended-his-season/>]
1252. Goodwin stated, "Yes, the vaccine ended my season," Goodwin said. "One thousand percent." [Miligan.]
1253. On November 30, 2021, it was reported that NBA player LeBron James tested positive for COVID-19 despite being vaccinated.
1254. Nations throughout Africa enjoyed some of the lowest mortality rates from COVID.
1255. Prior to the "pandemic," millions of Africans took hydroxychloroquine — called "Sunday Sunday" by Africans — religiously once a week, as a malaria prophylaxis. [Kennedy, Jr., pg. 20.]
1256. "The African leaders who died suddenly after criticizing WHO vaccination policy included President John Magufuli of Tanzania (March 17, 2021), Prime Minister Hamed Bakayoko of Ivory Coast (March 10, 2021), President Pierre Nkurunziza of Burundi (January 8, 2020), and Madagascar's popular, influential, and anti-vax ex-President Didier Ignace Ratsiraka (March 28, 2021)." [Kennedy, Jr., pg. 308.]
1257. "Kenya's beloved physician Stephen Karanja, the chairman of the Kenya Catholic Doctors Association — who had exposed the WHO sterilization program in 2014 and who criticized the agency's COVID rollout in 2020 — also died, reportedly of COVID (April 29, 2021)." [Kennedy, Jr., pg. 308.]
1258. "A peer-reviewed article in the BMJ titled "Why have so many African leaders died of COVID" lists seventeen heads of state and leading government health ministers who passed in the twelve months between February of 2020 and February of 2021." [Kennedy, Jr., pg. 308.]
1259. "The BMJ article states that almost all of these deaths resulted in dramatic shifts in national health policies from skepticism toward strong support for vaccination in their respective countries." [Kennedy, Jr., pg. 308.]
1260. "The article points out that the overall death rates (1:33) among African elected leaders from COVID are seven times the rates for their sex and age and demographics of the general population during that time period." [Kennedy, Jr., pg. 308.]
1261. Haiti's President Jovenel Moise was murdered by a team of elite, well-trained Colombian mercenaries with links to the United States intelligence agencies. [Kennedy, Jr., pg. 308.]
1262. "Moise was a vocal opponent of the WHO vaccine program." [Kennedy, Jr., pg. 308.]
1263. "The historic involvement of Western intelligence agencies in coups and the murders of African leaders on behalf of their corporate clientele is well documented." [Kennedy, Jr., pg. 308.]
1264. Despite Gates, Fauci and others' efforts to depopulate Africa, the continents population is still projected to increase in 2050 and beyond.
1265. Due in large part to the U.S. government's history of medical racism against people of African descent and their resulting mistrust of America's medical establishments, "Black Americans in the United States (US), who have experienced disproportionately higher rates of COVID-19-related illness and death since the pandemic began, have consistently been vaccinated at lower rates." [Roat C, Webber-Ritchey KJ, Spurlark RS, Lee YM. Black Americans Receiving the COVID-19 Vaccine and Effective Strategies to Overcome Barriers: An Integrative Literature Review. J Racial Ethn Health Disparities. 2023 Oct;10(5):2577-2587. doi: 10.1007/s40615-022-01437-w.]
1266. "While disparities in cases and deaths have widened and narrowed over the course of the pandemic, age-adjusted data show that AIAN, Black, and Hispanic people have had higher rates of cases and death compared with White people over most of the course of the pandemic and that they have experienced overall higher rates of infection, hospitalization, and death." [Latoya Hill, Samantha Artiga, and Nambi Ndugga. "COVID-19 Cases, Deaths, and Vaccinations by Race/Ethnicity as of Winter 2022." KFF. March 7, 2023. <https://www.kff.org/coronavirus-covid-19/issue-brief/covid-19-cases-deaths-and-vaccinations-by-race-ethnicity-as-of-winter-2022/>.] **See Exhibit N.**
1267. "KFF analysis shows that at both the federal and state level, there were large gaps in vaccination for Black and Hispanic people in the initial phases of the vaccination rollout, which narrowed over time and eventually reversed for Hispanic people. Despite this progress, a vaccination gap persists for Black people." [Id.]
1268. "According to the CDC, over 8 in 10 people (81%) had received at least one COVID-19 vaccination dose as of February 23, 2023, and race/ethnicity was known for 76% of people who had received at least one dose." [Id.]

1269. "Based on those with known race/ethnicity, about half (51%) of Black people had received at least one dose compared with 57% of White people, roughly two-thirds (67%) of Hispanic people, and over seven in ten Native Hawaiian and other Pacific Islander (NHOPI) (71%), Asian (73%), and AIAN (78%) people." [Id.]
1270. "Overall, few people have received the updated bivalent booster vaccine dose, and Black and Hispanic people are about half as likely as White people to have received this booster so far." [Id.]

f. COVID-19 Vaccines Are Harmful to Children:

1271. From the beginning of the "pandemic" until COVID-19 vaccines were approved for children, very few children had been infected with and/or died from COVID-19.
1272. Every study "shows that children are less susceptible to the virus and pass the virus along at a [lower] rate than adults."
1273. While Trump was president, he acknowledged that children are "virtually immune" to COVID-19. [Paz.]
1274. Children 12 years of age or older are "offered either COMIRNATY (COVID-19 Vaccine, mRNA) or the Pfizer-BioNTech COVID-19 Vaccine to prevent Coronavirus Disease 2019 (COVID-19)." [https://www.fda.gov/media/153716/download.]
1275. On May 9, 2021, the FDA authorized use of the Pfizer-BioNTech Covid-19 vaccine for 12- to 15-year-olds in the United States.
1276. "The Pfizer vaccine only gained emergency authorization for use in children because Pfizer manipulated trial data and committed serious offences." [Kennedy, Jr., pg. 90.]
1277. "Some 86 percent of children suffered an adverse reaction to the Pfizer COVID vaccine in clinical trial. And one in nine children suffered a serious reaction grave enough to leave them unable to perform daily activities." [Kennedy, Jr., pg. 92.]
1278. "[D]ue to the courage of Maddie and her parents...Maddie De Garay, a 14-year-old who participated in the Pfizer trial, suffered severe neurological injuries including seizures and permanent paralysis. However, Pfizer reported only that Maddie suffered a stomach ache." [Kennedy, Jr., pg. 90.]
1279. "Given that Maddie was only one of 2,300 teenagers in Pfizer's trial, her injury was potentially very significant. By extrapolating a one in 2,300 injury rate to the 86 million teens who Pfizer and [Fauci] have targeted for vaccination, some 36,000 of these potentially debilitating injuries could be expected to develop nationwide." [Kennedy, Jr., pg. 90.]
1280. "Pfizer's clinical data predicted potentially fatal myocarditis in one in every 318 teens." [Kennedy, Jr., pg. 90.]
1281. "Post-marketing data confirm astronomically high rates of myocarditis injuries. On October 1, 2021, a team of medical researchers and statisticians found that myocarditis rates reported in VAERS were significantly higher in teens than Pfizer had reported in its clinical data." [Kennedy, Jr., pg. 90.]
1282. "According to the [VAERS], there have been 7,537 cases of myocarditis and pericarditis reported following COVID vaccines, with 5,602 cases attributed to Pfizer. Some 476 of these reports occurred in children from 12 to 17 years old." [Kennedy, Jr., pg. 90.]
1283. "[M]yocarditis has been found mostly in male adolescents and young adults who received a vaccine from Pfizer or Moderna, according to the Centers for Disease Control and Prevention." [Towey.]
1284. "According to an article in Current Trends in Cardiology, 'Within eight weeks of the public offering of COVID-19 products to the 12-15-year-old age group, we found 19 times the expected number of myocarditis cases in the vaccination volunteers over background myocarditis rates for this age group.'" [Kennedy, Jr., pg. 90-91.]
1285. "Israeli data and US data presented to the CDC's advisory committee on June 23, 2021 similarly found the rate of reported cases of myocarditis in vaccinated teenage boys aged 12-17 is at least twenty-five times greater than expected, and is fifty times greater than the reported rate in vaccinated males over 65." [Kennedy, Jr., pg. 91.]
1286. "A recent study suggests that myocarditis is associated with a 50 percent mortality within five years."
1287. "COVID-19 vaccines have caused cardiac arrest, blindness and paralysis in American children." [Kennedy, Jr., pg. 92.]
1288. "British Health Services reports emergency calls for cardiac arrest are at an all-time high since the government began offering teens the COVID-19 vaccine." [Kennedy, Jr., pg. 93.]
1289. A "teen has [an] effectively zero risk of dying from COVID and a substantial risk of death from vaccination." [Kennedy, Jr., pg. 91.]
1290. "COVID vaccines do not protect children from hospitalization or death associated with COVID-19 because healthy children are not being hospitalized or dying with COVID-19." [Kennedy, Jr., pg. 93.]
1291. "According to an analysis by The Exposé's Will Jones, between weeks 23 and 37 in 2021 — simultaneous with the vaccine rollout — there were 252 deaths among 15- to 19-year-olds in England and Wales, compared to 162 in the same period in 2020, an increase of ninety, or 56 percent." [Kennedy, Jr., pg. 93-94.]
1292. There was "no similar rise among younger children aged one to fourteen, a cohort that was not vaccinated." [Kennedy, Jr., pg. 94.]

1293. "Troubling statistics from Britain's Office for National Statistics (ONS) verify the expected: deaths among teenagers during the summer of 2021 increased significantly over the previous year, coinciding with the vaccine rollout." [Kennedy, Jr., pg. 93.]
1294. On September 3, 2021, it was reported that: "Britain's vaccine advisers said they were not recommending the vaccination of all 12- to 15-year-olds against COVID-19, preferring a precautionary approach in healthy children due to a rare side effect of heart inflammation." [Alistair Smouth. "UK panel does not recommend COVID vaccines for healthy 12- to 15-year-olds." Reuters. September 3, 2021. <https://www.reuters.com/world/uk/uk-advisers-decide-against-covid-vaccines-healthy-12-15-year-olds-2021-09-03/>.]
1295. "Teen deaths among 15- to 19- year-olds have increased by 47 percent in the UK since they started getting the COVID-19 vaccine, according to official ONS data." [Kennedy, Jr., pg. 94.]
1296. On September 10, 2021, FDA "urged parents not to seek out the shots for children who are under 12, and therefore not yet eligible for vaccination." [Emily Anthes and Katie Rogers. "The F.D.A. again warns parents not to get children under 12 vaccinated yet." The New York Times. September 10, 2021. <https://www.nytimes.com/2021/09/10/health/children-vaccine.html>.]
1297. Kirsch's model estimates that 600 children died from the COVID-19 vaccines as of September 2021. [Kennedy, Jr., pg. 92.]
1298. "Fauci has urged that kids will be vaccinated in schools without parental consent, despite a mountain of evidence that the COVID-19 vaccines are killing American children and bestow on them no benefit." [Kennedy, Jr., pg. 94.]
1299. On October 20, 2021, United States of America the Biden administration unveiled its plan to "quickly" vaccinate roughly 28 million children age 5-11, pending authorization from the FDA. [Zeke Miller and Lindsey Tanner. "White House details plans to vaccinate 28M children age 5-11." AP News. October 20, 2021. <https://apnews.com/article/coronavirus-pandemic-business-health-coronavirus-vaccine-bf6e5c8725aca6c757b129dad8f96926>.]
1300. On October 29, 2021, the FDA approved vaccines for children aged 5-11.
1301. Pfizer-BioNTech COVID-19 Vaccine for children 5 through 11 years of age is administered as a two-dose primary series, 3 weeks apart, but is a lower dose (10 micrograms) than that used for individuals 12 years of age and older (30 micrograms). [<https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age>.]
1302. Dr. Kelly Victory stated: "Children in that 5 to 11 age range, the CDC itself is only willing to acknowledge a total of 100 deaths from COVID in that age range and its deaths with COVID, not necessarily deaths from COVID. Those children all had significant, underlying health conditions including diabetes and cancers and morbid obesity. Yet out of the 28 million 5 to 11 year olds in the United States, there's been a total of 100 deaths since the beginning of the pandemic so the risks in that risk-benefit calculation is almost zero for children. And then again, you have to weigh it against the potential risks of the vaccine and as I said, we simply don't know. There's no way to answer what are the potential side effects, what are the potential impacts on fertility, autoimmune diseases, neurologic development and on and on. Cardiac complications, in which we've seen in worrisome numbers in that adolescent age range so we don't know yet what impact it will be in 5 to 11 year olds."
1303. Dr. Victory stated: "We know that children have been tested for COVID because they're in the hospital but they're frequently in the hospital for something other than COVID. They might have been admitted, for example, with a complication from diabetes or they might be in end stages of treatment for cancer or they're children who have been admitted with severe trauma and they tested positive for COVID. Unfortunately, because of the way that COVID deaths and even hospital admissions have been reported from the beginning of this pandemic, we have wildly overestimated the actual deaths from COVID as opposed to with COVID. So it will take us some time for us to actually sort through all of the data and come to the actual numbers, but I can say that is certainly less than 100 and when you consider again, 28 million children in that 5 to 11 age range, and less than 100 deaths over a 22 month period, you can really come to the conclusion that children, particularly healthy children, are at a risk as close as you can possibly say, to zero. Dr. Marty Makary at Johns Hopkins looked at 48,000 cases of COVID in people under the age of 18 and found a mortality rate of zero."
1304. On October 25, 2021, Moderna stated that their vaccine is safe and produces a powerful immune response in children aged 6 through 11. [Apoorva Mandavilli. "Moderna's Covid vaccine produces a strong immune response in younger children, the company said." The New York Times. October 25, 2021. <https://www.nytimes.com/2021/10/25/health/moderna-covid-vaccine-children.html>.]
1305. One month after immunization was complete, the children in DEFENDANT Moderna's trial had "antibody levels that were 1.5 times higher than those seen in young adults, the company said."
1306. Moderna did not release the full data, nor are the results published in a peer-reviewed journal.
1307. Moderna announced the results one day before an advisory committee of the Food and Drug Administration is scheduled to review data for the Pfizer-BioNTech vaccine in children 5 through 11.
1308. Moderna is "still recruiting children aged 2 through 5 and 6 months to under 2 years for trials of the vaccine in those age groups. The company has enrolled about 5,700 children in the United States and Canada in the trial."

1309. On December 9, 2021, the FDA “expand[ed] the use of a single booster dose of the Pfizer-BioNTech COVID-19 Vaccine for administration to individuals 16 and 17 years of age at least six months after completion of a primary series of the Pfizer-BioNTech COVID-19 Vaccine.”
1310. On December 22, 2021, the United States of America reported its first child death from COVID-19. [Juliana Tornabene. “First death of child under 10 sparks new COVID-19 vaccine plea from Children’s Wisconsin.” WMTV 15. <https://www.wmtv15news.com/2021/12/22/first-death-child-under-10-sparks-new-covid-19-vaccine-plea-childrens-wisconsin/>.]
1311. On January 3, 2022, the U.S. Food and Drug Administration (FDA) expanded the Emergency Use Authorization (EUA) of a booster dose of the Pfizer-BioNTech COVID-19 Vaccine to include individuals 12 years of age and older. The booster dose is the same dosage strength (30-µg) as the dose approved in the primary series.
1312. On January 5, 2022, the CDC endorsed the Advisory Committee on Immunization Practices’ (ACIP) recommendation to expand eligibility of booster doses to those 12 to 15 years old.
1313. Although the United States of America and Israel have chosen to vaccinate children, the United Kingdom has refused to do so.
1314. There is no evidence that the COVID-19 vaccine has prevented a single child’s death.
1315. On January 10, 2022, Fortune reported that the “number of hospitalized children infected with COVID-19 rose last week to the highest levels.” [Andrew Marquardt. “Child hospitalization rates reach record highs amid Omicron’s surge.” Fortune. January 10, 2022. <https://fortune.com/2022/01/10/child-hospitalization-rates-record-high-omicron/>.]
1316. Dr. Levy stated: “As we go into younger and younger age groups, they’re less and less at personal risk of severe Covid, and on the other hand, somewhat more at risk of this inflammatory heart condition with the mRNA vaccine.”
1317. “Since the vaccine is almost certainly causes more teen deaths and injuries than COVID-19, vaccinating this age group is highly unethical, and any physician who inoculates a healthy child is committing serious medical malpractice.” [Kennedy, Jr., pg. 94.]
1318. It is unknown what the long-term effects the COVID vaccine will have on children and/or how it will react with all of the other vaccines that are injected into a child’s body throughout their childhood.
1319. Given that majority of United States of America’s student population, including DEFENDANT NYCDOE, is majority black and brown and vaccines adversely affect melanated peoples, this is yet another example of race-based genocide.

g. Draconian COVID-19 Related Mandates Violate An Individual’s Unalienable and Human Rights:

1320. Over the course of the “pandemic,” the debates surrounding COVID-19 became a political issue, with most leaders of Democratic states (e.g. State of New York, California) being in support of school closures, vaccines and vaccine mandates, while leaders of Republican states (e.g. Florida) have typically been against it.
1321. Every state, city, school district and business in the United States of America did not impose the COVID-19 vaccines on citizens.
1322. On September 21, 2021, the Surgeon General of Florida Dr. Joseph Ladapo stated: “Florida will completely reject fear as a way of making policies in public health. So we’re done with fear. That’s been something that’s been, unfortunately, a centerpiece of health policy in the United States ever since the beginning of the pandemic and it’s over here. Expiration date. It’s done.” [Brendan Farrington. “New Florida surgeon general on COVID: ‘We’re done with fear.’” Associated Press. September 21, 2021. <https://apnews.com/article/business-health-florida-united-states-public-health-266fab39afaf6635bd10f96d7fb193ee>.]
1323. If the virus was truly the threat that was claimed, the vaccine mandates would have applied to all and not been restricted to the state an individual lived in and/or their profession.

[NYCDOE]

1324. DEFENDANT NYCDOE made a conscious decision not to trust the science.
1325. As a result of not trusting the untainted science, DEFENDANT NYCDOE has put the lives of all of its employees and students in jeopardy.
1326. DEFENDANT NYCDOE and its co-conspirators had access to the same data and information as PLAINTIFF Mr. Washington — the “conspiracy theorist” — but instead made a conscious decision to put the lives of their students and staff at risk for financial gain.
1327. — Making vaccination mandatory as a condition of employment or to partake in society without any restrictions are forms of coercion.
1328. State of New York’s governor Kathy Hochul “announced on [February 9, 2022] that New York State would drop its stringent mask-or-vaccine mandate, which required businesses to demand proof of full vaccination or mask-wearing at all times in indoor public spaces. The mandate, which Ms. Hochul implemented on Dec. 10 during the surge driven by the Omicron variant” expired on February 10, 2022.

1329. State of New York and City of New York announced that they were ending all mask and vaccine mandates effective March 7, 2022, however, DEFENDANT NYCDOE decided to keep its mask and vaccine mandates in place.
1330. On September 20, 2022, Eric Adams announced that "New York City [would] end its coronavirus (COVID-19) vaccine mandates for private sector workers [on November 1, 2022], and the requirements for public school extracurricular activities." [Paul Liotta. "NYC to end private sector worker COVID-19 vaccine mandates, school extracurricular requirements." SI Live. September 20, 2022. <https://www.silive.com/coronavirus/2022/09/nyc-to-end-private-sector-worker-covid-19-vaccine-mandates-school-extracurricular-requirements.html>.]
1331. On February 6, 2023, Eric Adams "announced that — with more than 96 percent of city workers fully vaccinated against COVID-19 — the city will make vaccination optional for current and prospective city workers effective February 10, 2023." ["With Over 96 Percent of City Workers Fully Vaccinated, Mayor Adams Announces COVID-19 Vaccination Will Become Optional for City Workers." The Official Website of the City of New York. February 6, 2023. <https://www.nyc.gov/office-of-the-mayor/news/092-23/with-96-percent-city-workers-fully-vaccinated-mayor-adams-covid-19-vaccination>.]
1332. "As part of this change, beginning February 10, 2023, visitors to Department of Education (DOE) school buildings will no longer be required to provide proof of at least one dose of the COVID-19 vaccine. This will allow students' families and loved ones to attend school activities, celebrations, and events." [Id.]
1333. Most employees of the City of New York that were terminated for refusing the COVID-19 vaccine have not been rehired.
1334. In an interview with Eric Adams, when asked about the 2,000 employees that were fired, Adams stated: "They can reapply for their jobs. 96% of employers, I mean employees, took the mandate, I mean, took the vaccine. 96% of employees took the vaccine. Listen, this was a tough time. I remember when our nurses and our healthcare professionals...I know what COVID look like and I know that if we didn't have those mandates, I take my hat off to Bill DeBlasio, that was a tough call because you know New Yorkers. No New Yorker wants anyone telling them anything. The mere fact you tell them...If you tell a New Yorker, 'You better take this million dollars,' they're going to say, 'Why? No I'm not.' That's just who we are. We don't want to be mandated, we don't want anyone to tell us to put on a mask, that's just who we are so that was a cultural shift in our mindset to say, 'We're fighting this dangerous virus.' I was at the hospitals seeing trailers of bodies. I saw the nurses, and doctors and hospital employees wearing plastic bags and makeshift face masks, putting themselves in harm's way. I saw the first responders. You know, I was on the ground. Remember I moved into Borough Hall and dealt with that virus, responding every day on the ground. This was real. If we didn't have that vaccine, and we didn't have those mandates, we would have lost so many more lives and so New Yorkers stepped up and they said, 'We don't want it. I don't want to get injected...This is new.' They stepped up anyway. So those who made the determination, 'No, I still want to come into a work environment and I'm not going to be vaccinated' or 'No, I still want to ride the trains. I want to do whatever I want,' that just wasn't right. That wasn't right and they made a decision and the law was on our side that said we could mandate and so they were removed. Now that we're seeing a normalization of COVID, there may be another time that we're going to have to do mandates again because these viruses are not going away, we're dealing with a whole new environment of what we're fighting against some of these viruses. They made the decision not to be vaccinated. They lost their jobs. We see the need now to lift the mandate but those who lost their jobs can reapply for their job but they have to reapply just like everyone else."
1335. When asked if they should receive backpay, Adams responded, "Nope. Their backpay is the pay they got when they got another job somewhere. New Yorkers should not be paying for someone that wasn't working and they made a decision. People made a decision to not take the vaccine when they were supposed to...So no, you have a right We're going to try to be as fair as possible. We bent over backwards to understand the needs that people had. The goal was not to be punitive, but to be protective."

[Unjust Enrichment]

1336. The man-made COVID-19 "pandemic" was just another Ponzi scheme to help the rich get richer and help eviscerate the middle class, as well as the freedoms and civil liberties of the American people.
1337. "In 2020, workers lost \$3.7 trillion while billionaires gained \$3.9 trillion." [Kennedy, Jr., pg. xx.]
1338. "Some 493 individuals became new billionaires, and an additional 8 million Americans dropped below the poverty line." [Kennedy, Jr., pg. xx.]
1339. "The biggest winners were the robber barons — the very companies that were cheerleading [Fauci's] lockdown and censoring his critics: Big Technology, Big Data, Big Telecom, Big Finance, Big Media behemoths (Michael Bloomberg, Rupert Murdoch, Viacom, and Disney), and Silicon Valley Internet titans like Jeff Bezos, Bill Gates, Mark Zuckerberg, Eric Schmidt, Sergey Brin, Larry Page, Larry Ellison, and Jack Dorsey." [Kennedy, Jr., pg. xx.]
1340. "Larry Ellison's company, Oracle, which partnered with the CIA to build new cloud services, won the contract to process all CDC vaccination data. Ellison's wealth increased by \$34 billion in 2020." [Kennedy, Jr., pg. xx.]
1341. "Mark Zuckerberg's wealth grew by \$35 billion; Google's Sergey Brin by \$41 billion; Jeff Bezos by \$86 billion; Bill Gates by \$22 billion and Michael Bloomberg by nearly \$7 billion." [Kennedy, Jr., pg. xx.]

1342. Gates' wealth expanded by more than \$23 billion during the 2020 lockdowns that he and Fauci played key roles in orchestrating. [Kennedy, Jr., pg. 291.]

[Achieving the Goal of Depopulation]

1343. Millions of deaths have been caused by the man-made COVID-19 virus, the mandates and vaccines.
1344. "As the world watched, Tony Fauci dictated a series of policies that resulted in by far the most deaths, and one of the highest percentage of COVID-19 body counts of any nation on the planet." [Kennedy, Jr., pg. xvii.]
1345. "The US, with 4 percent of the world's population, suffered 14.5 percent of total COVID deaths." [Kennedy, Jr., pg. xvii.]
1346. "Between 2018 and 2020, the 1.9 year decrease in average life expectancy at birth in the US was roughly 8.5 times the average decrease in 16 comparable countries, all of which were measured in months, not years." [Kennedy, Jr., pg. xviii.]
1347. "Between 2018 and 2020, the average Hispanic American lost around 3.9 years in longevity, while the average lifespan of a Black American dropped by 3.25 years." [Kennedy, Jr., pg. xviii.]
1348. "Since COVID mortalities were mainly among the elderly, and the average age of death from COVID in the UK was 82.4, which was above the average lifespan, the virus could not by itself cause the astonishing decline." [Kennedy, Jr., pg. xviii.]
1349. "Average life expectancy in the United States plummeted in 2020, widening the life expectancy gap between the U.S. and other high-income countries. The decline was particularly sharp among Hispanic and Black Americans, a new study found." [Kaitlin Sullivan. "U.S. life expectancy decreased by an 'alarming' amount during pandemic." NBC News. June 23, 2021. <https://www.nbcnews.com/health/health-news/u-s-life-expectancy-decreased-alarming-amount-during-pandemic-n1272206>.]
1350. A June 24, 2021 BMI study showed that US life expectancy decreased by 1.9 years during the quarantine. [Kennedy, Jr., pg. xviii.]
1351. By September 30, 2021, mortality rates in the US had climbed to 2,107/1,000,000, compared to 139/1,000,000 in Japan." [Kennedy, Jr., pg. xvii.]
1352. No legal action has been taken against Fauci, Bill Gates, BMGF, MIAID, NIG, FDA and their co-conspirators by United States of America, because they were acting on their behalf.

[Impact on Students]

1353. During the "pandemic," many schools faced staffing shortages as teachers were needed for both in-person and online instruction.
1354. "More than 3½ years since the pandemic first hit New York, the lasting and devastating impact of the major disruption to kids' education is coming into full view." [Josephine Stratman and Cayla Bamberger. "NYC Schools Struggle to Regain COVID's Lost Generation." New York Daily News. December 19, 2023. <https://www.governing.com/education/nyc-schools-struggle-to-regain-covids-lost-generation>.]
1355. Schools, students and families have faced significant disruptions in terms of attendance and staff shortages.
1356. A large number of students missed two years of learning and during the first year of the pandemic, many students did not show up to their online classes.
1357. "The pandemic made a difficult profession harder: reports of mental-health crises, unmanageable classrooms, and staggering learning loss are everywhere." [Green.]
1358. In a January 8, 2022 article published by the Daily Mail UK, an anonymous Bronx Science high school student wrote a viral Reddit post describing the chaos in New York City public schools. [Ariana Diaz. Daily Mail UK. January 8, 2022. <https://www.dailymail.co.uk/news/article-10381783/NYC-public-high-school-student-claims-schools-chaos-amid-COVID-wave.html>.]
1359. The student claimed "the situation is beyond control" with "no learning occurring," and called study hall a "superspreader event." [Diaz.]
1360. The student claimed large numbers of teachers have been absent leaving classes overcrowded and untaught as Mayor Eric Adams insist on in-person learning. [Diaz.]
1361. The student also said that the bathrooms of the public high school are filled with students taking at-home COVID test with several testing positive while at school. [Diaz.]
1362. Data released in July of 2023 from the assessment provider NWEA shows that "[s]tudents aren't gaining ground fast enough in reading and math to make up for the academic effects of the pandemic. And in many cases, these academic gaps are getting wider." [Sarah Schwartz. "Students Aren't Rebounding From the Academic Effects of the Pandemic." Education Week. July 11, 2023. <https://www.edweek.org/leadership/students-arent-rebounding-from-the-academic-effects-of-the-pandemic/2023/07>.]
1363. "The report, which analyzed test scores from 6.7 million U.S. public school students in grades 3-8, found that students are still making progress at a slower rate than their peers were pre-COVID." [Schwartz.]

1364. "The data suggest that interrupted learning time during the initial phase of school shutdowns has become a "compounding debt," creating gaps that have made it harder for students to move forward[.]" [Schwartz.]
1365. "On average, students will need the equivalent of 4.1 additional months of instruction in reading and 4.5 months in math to meet pre-pandemic levels of achievement, the report estimates." [Schwartz.]
1366. "Analyses of student test scores have repeatedly shown severe declines in academic achievement. For example, the most recent scores on the National Assessment of Educational Progress long-term trend test saw declines for 13-year-olds between the 2019-20 school year and the 2022-23 school year." [Schwartz.]
1367. "The average scores, from tests given last fall, declined 4 points in reading and 9 points in math, compared with tests given in the 2019-2020 school year, and are the lowest in decades. The declines in reading were more pronounced for lower performing students, but dropped across all percentiles." [Sequoia Carrillo. "U.S. reading and math scores drop to lowest level in decades." NPR. June 21, 2023. <https://www.npr.org/2023/06/21/1183445544/u-s-reading-and-math-scores-drop-to-lowest-level-in-decades>.]
1368. "The math scores were even more disappointing. On a scale of 500 points, the declines ranged from 6 to 8 points for middle and high performing students, to 12 to 14 points for low performing students." [Carrillo.]
1369. Coronavirus school closures negatively impacted all students, but deepened vast opportunity gaps between Black and white students.
1370. "The math results also showed widening gaps based on gender and race. Scores decreased by 11 points for female students over 2020 results, compared with a 7-point decrease for male students." [Carrillo.]
1371. "Among Black students, math scores declined 13 points, while white students had a 6-point drop. Compared with the 35-point gap between Black and white students in 2020, the disparity widened to 42 points." [Carrillo.]
1372. "The trends exist across demographic groups, though racial disparities between Black and Hispanic students and their white and Asian peers that existed before COVID have deepened." [Schwartz.]
1373. "Since the pandemic, New York State has tumbled in the national ranking of performance in reading and math for fourth graders." [Green.]
1374. "This past school year [2022-2023], only half of New York City's third-to-eighth graders achieved proficient reading scores, and among Black and Latino students, that figure was closer to forty percent." [Green.]
1375. "Districts have implemented a slew of academic interventions—many funded with federal COVID-relief money—to catch students up, funding tutoring, additional summer school, and more small-group instruction." [Schwartz.]
1376. In 2023, U.S. Education Secretary Miguel Cardona said, "Schools have committed nearly 60 percent of their American Rescue Plan funds to address lost learning time and accelerate academic recovery." [Carrillo.]
1377. Students are now being referred to as the "lost generation of COVID." [Stratman.]

[DEFENDANT NYCDOE and Others Still Want Vaccination to be Mandatory]

1378. On January 9, 2022, it was reported by Staten Island Live that NYC is "considering vaccine mandates for the 2022-2023 school year." [Annalise Knudson. "NYC considering vaccine mandate for students for 2022-2023 school year, report says." SI Live. January 9, 2022. <https://www.silive.com/education/2022/01/nyc-considering-vaccine-mandatefor-students-for-2022-2023-school-year-report-says.html>.]
1379. Jeffrey Dinowitz is an Assemblyman in Albany, New York.
1380. Dinowitz is classified as a "white" male and identifies as being "Jewish."
1381. Dinowitz has proposed a new bill, A2178, that will not only mandate the COVID-19 vaccine for children in kindergarten through 12th grade, but any child older than 6 months who is in daycare, Pre-K, Head Start or nursery school.
1382. On August 17, 2022, the State of New York and its governor Hochul announced on their website: "Governor Kathy Hochul today announced the re-launch of #VaxtoSchool, the multi-faceted statewide campaign aimed at increasing COVID-19 vaccination rates among school-aged New Yorkers. The campaign furthers Governor Hochul's commitment to ensuring equitable access to vaccines, and to make the health and well-being of students, teachers and families a top priority."
1383. To this day, many colleges and businesses require its students and employees to be "fully" vaccinated.

[Conclusion]

1384. Each individual was born with unalienable rights, which gives them medical freedom and autonomy over their bodies; no man can tell them what another man can put inside of their temple.
1385. No vaccine can constitute a "universal" remedy for a virus because each person's genetic and chemical composition are different.
1386. The COVID-19 vaccine mandates were unconstitutional and are a violation of an individual's human rights because the vaccines are not "safe and effective."

E. RECENT ATTACKS BY "WHITES" ON AFFIRMATIVE ACTION, CRITICAL RACE THEORY and "DIVERSITY, EQUITY & INCLUSION":

1387. "Racial disparities in education are the cumulative effect of generations of racism, divestment, and denied opportunities." [Harvard Library. <https://library.harvard.edu/confronting-anti-black-racism/education>.]
1388. "[Racial] segregation persists despite mountains of evidence demonstrating that students who attend school in integrated settings harbor fewer prejudices and have less discriminatory attitudes." [Stefan Lallinger. "America's segregated schools: We can't live together until we learn together." USA Today. June 23, 2020.]
1389. Ultimately, the United States of America's government, the Department of Education and each segregated school district, including DEFENDANT NYCDOE, are responsible for this outcome.
1390. "Much of today's educational inequality is the legacy of historical racism. The affluence of one's family, the neighborhood in which one resides, and the educational background of one's parents all are major factors influencing educational opportunity and attainment." [Daniel J. Fairbanks. Everyone is African. pg. 125. 2015.]
1391. "The historic roots of educational inequality lie in the history of racial segregation, and, inevitably, they continue to discriminate along socially defined lines of race, even if the intent to do so is a relic of the past. Recent trends of reversion to increased educational inequality prompted by budget woes disproportionately affect the disadvantaged, further exacerbate attainment gaps, and, tragically, erase gains that have started to close those gaps." [Fairbanks, pg. 125.]
1392. Racial inequality in education ensures racial inequality in housing, employment, criminal justice and many other important and influential areas of human activity.
1393. From 1950 to 2018, the United States went from 90% white to 60% white. ["The Great Real Estate Reset." Brookings. December 16, 2020. <https://www.brookings.edu/essay/trend-1-separate-and-unequal-neighborhoods-are-sustaining-racial-and-economic-injustice-in-the-us/>.]
1394. People classified as "white" have had a statistical majority in the United States of America for hundreds of years, but by the year 2050, they will no longer constitute a statistical majority on the land that they stole.
1395. After becoming unjustly enriched through their monopolistic power and control over all areas of human activity, people classified as "white" are seeking for a "great reset" by deliberately destroying the economy and depopulating the world, in order to usher in their "new [Satanic] world order."
1396. Nearly 60 years after the passage of Title VII, many "whites" continue to argue that racism no longer exists and African Americans are playing the "race card," and even more startling, now argue they are now the biggest victims of racism.
1397. In a 2011 study called "Whites See Racism as a Zero-Sum Game That They Are Now Losing," social scientists Michael I. Norton and Samuel R. Sommers concluded: "In contrast to popular notions of a postracial America after Barack Obama's 2008 election, our data suggest that many Whites believe that...the pendulum has now swung beyond equality in the direction of anti-White discrimination...[O]ur data are the first to demonstrate that not only do Whites think more progress has been made toward equality than do Blacks, but Whites also now believe that this progress is linked to a new inequality — at their expense."
1398. "Almost half of white Americans say the USA becoming a majority nonwhite nation would 'weaken American customs and values,' a new Pew Research Center survey says." [Ryan W. Miller. "46% of whites worry becoming a majority-minority nation will 'weaken American culture,' survey says." USA Today. March 21, 2019. <https://www.usatoday.com/story/news/nation/2019/03/21/pew-survey-whites-fearful-minority-country-will-weaken-american-culture/3217218002/>.]
1399. "According to Pew's research, 46 percent of white people fear that [becoming a majority nonwhite nation] would weaken U.S. culture. A quarter of Hispanics and 18 percent of black people have similar fears. Forty percent of blacks and 46 percent of Hispanics say the shift would strengthen those customs and values." [Miller.]
1400. Recent decisions by the executive, legislative and judicial branches of the U.S. government reflect this distorted and biased thinking.

[Affirmative Action & False Claims of Reverse Discrimination Made By "Whites"]

1401. Since the Civil Rights Act of 1964 was last amended in 1991, the decisions of the United States of America's highest court, have attempted to take a colorblind, instead of race conscious, approach to resolving issues concerning civil rights and affirmative action.
1402. Due to symbolic gestures like the passage of the Civil Rights Act of 1964 and election of the first "mixed-race" President, there are many Americans today, who believe that the vestiges of global white supremacy (racism) have disappeared, and that affirmative action now provides an unfair advantage to minorities.
1403. In the last few years, there have been many attacks by "whites" to ban affirmative action and stop children from learning the truth about the United States of America's history of anti-black racism and genocide.

1404. While the Supreme Court refused to review PLAINTIFF Mr. Washington's case challenging institutionalized racism in Hollywood (e.g. *Washington v. William Morris Endeavor Entertainment, et al.*), the Supreme Court has heard and decided a number of challenges to affirmative action filed by "whites."
1405. "In 2016, in *Fisher v. University of Texas*, the Supreme Court reaffirmed that the consideration of race as part of a holistic admissions process, a practice known as affirmative action, is consistent with the Equal Protection Clause." [ACLU. <https://www.aclu.org/news/racial-justice/meet-edward-blum-man-who-wants-kill-affirmative-action-higher>.]
1406. In 2018, the Supreme Court decided "two cases concerning affirmative action brought by the conservative activist group Students for Fair Admissions." [Sarah Hinger. "Meet Edward Blum, the Man Who Wants to Kill Affirmative Action in Higher Education." ACLU. October 18, 2018. <https://www.aclu.org/news/racial-justice/meet-edward-blum-man-who-wants-kill-affirmative-action-higher>.]
1407. Students for Fair Admissions was created by Edward Blum.
1408. Blum is a male classified as a "white."
1409. "Blum is not a lawyer, but he has a long history of crafting legal attacks on civil rights." [Hinger.]
1410. "After losing a congressional election in the early 1990s, Blum, who is white, challenged the Texas redistricting process as discriminating in favor of African American and Latinx voters." [Hinger.]
1411. "While his success in that case, *Bush v. Vera*, was limited to particular districts, among his other challenges to the voting rights, Blum was behind *Shelby v. Holder*. That case gutted important protections in the Voting Rights Act with drastic effects for voters of color." [Hinger.]
1412. "His attacks on laws and policies designed to promote the equality of people of color are not limited to voting rights. Blum also crafted the unsuccessful challenge to race-conscious college admissions programs in *Fisher v. University of Texas*." [Hinger.]
1413. "Failing in *Fisher*, Blum baldly strategized that he "needed Asian plaintiffs." He formed Students for Fair Admissions as a vehicle to file litigation. The organization's leadership consists solely of Mr. Blum, Abigail Fisher, and Richard Fisher, her father. Through Students for Fair Admissions, Blum recruited "members" and filed his challenge to college admissions against Harvard and the University of North Carolina with a twist. This time, Blum claims that the consideration of race discriminates against Asian Americans." [Hinger.]
1414. "While Blum now purports to represent the interests of Asian Americans, none of his goals in litigation have changed. Blum isn't seeking to ensure that universities adequately address any implicit biases against Asian Americans in their admissions practices, nor is he asking them to take other affirmative steps to recognize the value of Asian-American applicants." [Hinger.]
1415. "The relief Blum seeks is narrowly focused on what has always been his objective: a prohibition on any awareness of race in college admissions." [Hinger.]
1416. "[S]tatistical projections show[ed] that white applicants [would] be the primary beneficiaries." [Hinger.]
1417. "Not talking about race doesn't erase discrimination; it reinforces the privileges of white applicants by ignoring the ways in which deep-seeded structural racial inequality impacts individuals." [Hinger.]
1418. "Blum's cynical attempt to use members of the Asian American community seeks to pit people of color against one another. This is the direct antithesis of race-conscious admissions programs, which endeavor to create richly diverse college campuses." [Hinger.]
1419. "Contemporary events demonstrate all too clearly that racial divides and racial discrimination persist in America. In this context, efforts to promote diversity cannot be viewed as mere niceties, and attacks on those efforts cannot be treated as benign. There are real consequences for democracy at stake." [Hinger.]
1420. On June 29, 2023, the Supreme Court "effectively ended race-conscious admission programs at colleges and universities across the country. In a decision divided along ideological lines, the six-justice conservative supermajority invalidated admissions programs at Harvard and the University of North Carolina." [Nina Totenberg. "Supreme Court guts affirmative action, effectively ending race-conscious admissions." NPR. June 29, 2023. <https://www.npr.org/2023/06/29/1181138066/affirmative-action-supreme-court-decision>.]
1421. "The decision reverses decades of precedent upheld over the years by narrow Supreme Court majorities that included Republican-appointed justices. It ends the ability of colleges and universities — public and private — to do what most say they still need to do: consider race as one of many factors in deciding which of the qualified applicants is to be admitted." [Totenberg.]
1422. According to the U.S. Department of Education, anti-affirmative action fervor has had a 'dramatic, negative effect' on the prospects of black students" hoping to attend college. [Brooks, pg. 81.]

[Recent bans on critical race theory]

1423. On November 2, 2020, President Donald Trump's 1776 Commission called for more "patriotic education" in US schools. [<https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-protecting-americas-founding-ideals-promoting-patriotic-education/>.]

1424. In the press release, the Trump administration wrote: "Unfortunately, some versions of American history offer a misconstrued and one-sided account of our founding in an effort to paint America as a systemically racist country." [Id.]
1425. The press release stated: "Restoration of patriotic education relies on State and local education leaders and parents, who must be empowered to choose an education that fits their values and meets their child's needs." [Id.]
1426. The press release also stated: "President Trump has firmly stood against attempts to distort America's history and taken action to promote patriotic education that celebrates the truth about our Nation's history." [Id.]
1427. Donald J. Trump obtained his Bachelor's in Economics in 1968.
1428. "In school districts like Jefferson County, Colorado and states such as Texas, Tennessee and Idaho, installing more 'patriotic' education while gutting discussions of slavery, racism, xenophobia, Islamophobia and homophobia have been going on for years. It is a deliberate erasure of Black, Mexican, Arab Muslim, Indigenous and queer senses of the world." [Collins.]
1429. "It is this legacy of trauma, erasure and indignity for Black, Brown and queer students that today's far-right politicians want to keep alive, through new legislation." [Collins.]
1430. More than 40 states have introduced or passed laws to restrict how issues of race and racism are taught. [Troy Closson. "As Some States Restrict Black Studies, New York City Expands It." The New York Times. March 8, 2023. <https://www.nytimes.com/2023/03/08/nyregion/black-asian-american-studies-nyc.html>.]
1431. On December 13, 2021, an act was introduced to the New York Senate "to amend the education law, in relation to prohibiting courses in critical race theory," but it didn't pass. [<https://legislation.nysenate.gov/pdf/bills/2021/A8579>.]
1432. Critical race theory or CRT is "a university-level framework that is not taught in K-12, but "has been used as an umbrella term for lessons on race." [Closson.]
1433. "Critical race theory sprang up in the mid-1970s, as a number of lawyers, activists, and legal scholars across the country realized, more or less simultaneously, that the heady advances of the civil rights era of the 1960s had stalled and, in many respects, were being rolled back." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 3-4. 2001.]
1434. "The critical race theory (CRT) movement is a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 2. 2001.]
1435. The late Derrick Bell was "the movement's intellectual father figure." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 5. 2001.]
1436. Bell was a law professor at Harvard Law and taught future President Barack Obama.
1437. "Realizing that new theories and strategies were needed to combat the subtler forms of racism that were gaining ground, early writers such as Derrick Bell, Alan Freeman, and Richard Delgado put their minds to the task." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 4. 2001.]
1438. "The movement considers many of the same issues that conventional civil rights and ethnic studies discourses take up, but places them in a broader perspective that includes economics, history, context, group- and self-interest, and even feelings and the unconscious." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 2-3. 2001.]
1439. "Unlike traditional civil rights, which embraces incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 3. 2001.]
1440. "[C]ritical race theory builds on the insights of two previous movements, critical legal studies and radical feminism, to both of which it owes a large debt. It also draws from certain European philosophers and theorists, such as Antonio Gramsci and Jacques Derrida, as well as from the American radical tradition exemplified by such figures as Sojourner Truth, Frederick Douglass, W.E.B. Du Bois, Cesar Chavez, Martin Luther King, Jr., and the Black Power and Chicano movements of the sixties and early seventies." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 4. 2001.]
1441. "From critical legal studies, the group borrowed the idea of legal indeterminacy," which is "the idea that not every legal case has one correct outcome. Instead, one can decide most cases either way, by emphasizing one line of authority over another, or interpreting one fact differently from the way one's adversary does." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 4-5. 2001.]
1442. "It also incorporated the critique of triumphalist history, and the insight that favorable precedent, like Brown v. Board of Education, tends to deteriorate over time, cut back by narrow lower-court interpretation and administrative foot dragging and delay." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 5. 2001.]
1443. The late Alan Freeman...wrote a number of foundational articles, including a pathbreaking piece that documented how the U.S. Supreme Court's race jurisprudence, even when seemingly liberal in thrust, nevertheless legitimized racism." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 5-6. 2001.]
1444. Some of the basic tenets of critical race theory are that "racism is ordinary, not aberrational," "our system of white-over-color ascendancy serves important purposes, both psychic and material" and under the "social construction" thesis, that "race and races are products of social thought and relations. Not objective, inherent, or fixed, they correspond to no biological or genetic reality; rather, races are categories that society invents, manipulates, or retires when convenient." [Richard Delgado and Jean Stefancic. Critical Race Theory. pg. 6. 2001.]

1445. In 2023, Florida Governor Ron DeSantis banned a new Advanced Placement class in African American studies.
1446. "These bans have already pushed at least one teacher in Florida to quit his job in August, after another employee removed pictures of famous African Americans from his classrooms. All because the employee believed them to be 'age inappropriate'." [Collins.]
1447. A corollary to bans on "critical race theory" are efforts by school districts like DEFENDANT NYCDOE to teach students about "misinformation" and indoctrinate them to trust "reliable" media sources that actually distort the truth.
1448. A miseducated populous is easy to manipulate and control.
1449. "All these efforts in Florida and elsewhere in the US encourage educators to keep selling the lie of education as being about what makes white Americans feel good about themselves and the nation's history. All this encourages white parents and students who find discomfort in anti-racism and queer-affirming efforts to gaslight and marginalise students of colour, as well as straight and queer students. All because hypothetical Johns and Janes and their parents might get uncomfortable over the truth, about the history of exploitation, erasure and genocide that is as American as these attempts to deny, deflect and defend this history." [Collins.]
1450. "Since the time the first enslaved Africans arrived in the Americas, in the early 1500s, to the present, Europeans and their descendants have gone to great lengths to justify the 500 years of trauma and dehumanization they and their institutions produced." [DeGruy, pg. 52.]
1451. By keeping the masses ignorant to history and the realities of racism, the United States of America's government, via its education system, deprives its citizens, particularly those classified as "white," of the "critical social context needed to understand the conditions they observe." [Wise, pg. 18-19.]

[Attacks on Diversity, Equity and Inclusion]

1452. In a July 13, 2023 letter, Attorneys General of 13 states (Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, South Carolina, Tennessee, and West Virginia) issued a warning to the CEOs of Fortune 100 companies, threatening "serious legal consequences" over race-based employment preferences and diversity policies.
1453. On June 30, 2023, during a campaign rally in Philadelphia, Pennsylvania, DEFENDANT Trump "promised to eliminate all diversity, equity and inclusion programs 'across the entire federal government.'" [Yahoo! News. July 1, 2023. <https://news.yahoo.com/trump-vows-eliminate-diversity-programs-060139068.html>.]
1454. On January 21, 2024, during a campaign stop in Rochester, New Hampshire, DEFENDANT Trump stated: "We will terminate every diversity, equity, and inclusion program across the entire federal government." [C-SPAN. January 21, 2024. <https://www.c-span.org/video/?533084-1/president-trump-speaks-rochester-hampshire>.]
1455. "[R]acism is our nation's most serious illness, and the ever-present tension in America is just one of its manifestations. Racism has run like poison through the blood of American society since Europeans first landed on these shores. And, since that beginning, America and Americans have invested much in denying it. America's and Americans' denial of their blatant racism and the attending atrocities committed throughout the nation's history has become pathological. Such denial has allowed this illness to fester for almost 400 years. It is what keeps this country sick with the issue of race." [Dr. Joy DeGruy. Post Traumatic Slave Syndrome. pg. 12. 2017.]
1456. As Justice Harry Blackburn once stated: "In order to get beyond racism, we must first take account of race. There is no other way."
1457. "Counteracting racism is an essential step in supporting students of color to access their full potential. To truly transform the current landscape, change is needed at the systemic level; this in turn supports and reinforces change at the individual level. Systemic change highlights the interrelationships and interdependencies of the educational system. Unless we fully recognize how the system — replete with institutionalized racism and privilege — is embedded within the solution, we will only be able to achieve minimal shifts for young people and their families." [Caverly.]
1458. "Improved educational outcomes for Black students today can only be achieved by addressing these historic, race-based inequities." [Harvard Library.]
1459. "Black students face an uphill battle against a system built on centuries of racism, divestment, and denied opportunities." [Harvard Library.]
1460. The disparities that exist in all areas of hue-man activity between Blacks and "whites" are due to the trans-epigenetic effects of slavery, Jim-Crow semi-slavery and on-going racism since the passage of the Civil Rights Act of 1964 or last 60 years.
1461. These frozen trends will continue into the future until structural and systemic forms of racism are eradicated.

F. CONCLUSION:

1462. The United States of America's "educational system was designed to ensure unequal outcomes." [DiAngelo. Nice Racism. pg. 31.]
1463. The United States of America and its government are engaging in a conspiracy with various institutions, including but not limited to our judicial system, the DOE, EEOC, DEFENDANT NYCDOE and other predominately white institutions to maintain the myth of race and "freeze" racial segregation throughout our multicultural and diverse society in violation of Brown and our nation's civil rights laws.
1464. "[African Americans are] not fighting for integration or segregation. We're fighting for good education, no matter where we are." — Stockley Carmichael.
1465. DEFENDANT NYCDOE can no longer be unjustly enriched, receiving more than \$30,000 per Black student, to have its predominately "white" teachers miseducate them for 12-14 years.
1466. DEFENDANT NYCDOE acknowledges the truth of PLAINTIFF Mr. Washington's statements because it maintains sites on its webpage the focus on many of the same topics, including but not limited to "Implicit Bias Awareness Workshop" and "Culturally Responsive and Sustaining Education Implementation Supports" and "Interrogating Systemic Inequities." [NYC Public Schools Infohub. <https://infohub.nyced.org/in-our-schools/programs/race-and-equity>.]

G. DEMANDS FOR RELIEF:

PLAINTIFF Mr. Washington sought to resolve this matter without the intervention of the courts, but instead, DEFENDANT NYCDOE enlisted a recently hired attorney to advance frivolous and legally insufficient arguments on their behalf. African Americans and other melanated ethnic groups will no longer be forced to live in a country that denies them of their hue-manity and treats them like second class citizens.

WHEREFORE, the PLAINTIFF prays that the Court enters a judgment in his favor against DEFENDANT NYCDOE, containing the following relief, including but not limited to:

A. Immediate Relief

- Declaratory relief finding that UFT, EEOC and the DOE conspired to improperly and partially investigate PLAINTIFF Mr. Washington's complaint and as a result, violated his constitutional rights to due process and equal protection under the law.
- Strengthen Title VII and other federal, state and local antidiscrimination statutes.
- Desegregate all public schools throughout the U.S., or in the alternative, 20 percent of DEFENDANT DOE's annual budge must go to the African American community for the creation and development of black-owned schools throughout all 50 states.
- Reinstate all terminated NYCDOE employees that refused to the COVID-19 vaccine.

B. Post-Litigation Relief

i. Declaratory:

- Finding that PLAINTIFF Mr. Washington and African Americans as a class have and are being discriminated against by DEFENDANT NYCDOE in the terms and conditions of their employment in comparison to their similarly situated "white," Latino and Asian counterparts.
- Finding that DEFENDANT NYCDOE is intentionally violating Brown v. Board of Education and Title VII with malice and/or reckless indifference to the federally protected rights of African Americans.
- Finding that "race" is not a biological reality and banning the classification of citizens based on this arbitrary social and legal construct.

ii. Injunctive:

- DEFENDANT NYCDOE must refrain from violating federal, state and local laws prohibiting discrimination in employment and general life on the basis of race, color, national origin and sex.
- DEFENDANT NYCDOE must maintain records of the "racial" composition of its teacher and administrative workforce, broken down by gender, and make it publicly available each year.

iii. Affirmative:

To teach a diverse student body, faculty must also be diverse.

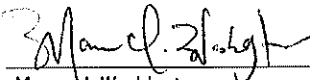
- Imposing affirmative action and quotas on teachers for each of DEFENDANT NYCDOE's schools.
- Reinstate all terminated NYCDOE employees that refused the COVID-19 vaccine.

iv. **Monetary:**

- A monetary judgment against DEFENDANT NYCDOE in an amount no less than \$50 MILLION dollars (paid in gold) for intentional violations of federal, state and local laws prohibiting discrimination in employment on the basis of race, color, national origin and/or sex.
- Beginning the 2024-2025 school year and every year thereafter, 30% of monies received by DEFENDANT NYCDOE must be allocated to an educational fund to invest in and develop black owned schools and educational curriculums throughout the City of New York.
- Backpay and other monetary damages, including substantial compensatory damages, for all State and City of New York employees, including DEFENDANT NYCDOE, who were wrongfully terminated for refusing the COVID-19 vaccine.

Dated: New York, New York
March 18, 2024

Respectfully submitted,

By: 

Marcus J. Washington

54 Boerum St. Apt. 6M
Brooklyn, NY 11206
(646) 504-6497
humanrights.isamust@gmail.com

Exhibit A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Indianapolis District Office
101 West Ohio St, Suite 1900
Indianapolis, IN 46204
(463) 999-1240
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 04/10/2023

To: Mr. Marcus I. Washington
54 Boerum St. Apt. 6M
BROOKLYN, NY 11206
Charge No: 520-2021-04229

EEOC Representative and email: FREDERICK BRUBAKER
Enforcement Supervisor
frederick.brubaker@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Michelle Eisele
04/10/2023

Michelle Eisele
District Director

cc:

Ms. Liz Vladeck
General Counsel
Office of General Counsel
52 Chambers Street
Room 308
New York, NY 10007

Please retain this notice for your records.

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 520-2021-04229 to the District Director at Michelle Eisele, 101 West Ohio St Suite 1900

Indianapolis, IN 46204.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

Enclosure with EEOC Notice of Closure and Rights (01/22)

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.

Exhibit B

Figure 1: Ethnicity of Male Teachers in NYC, 2003-2004 through 2015-2016

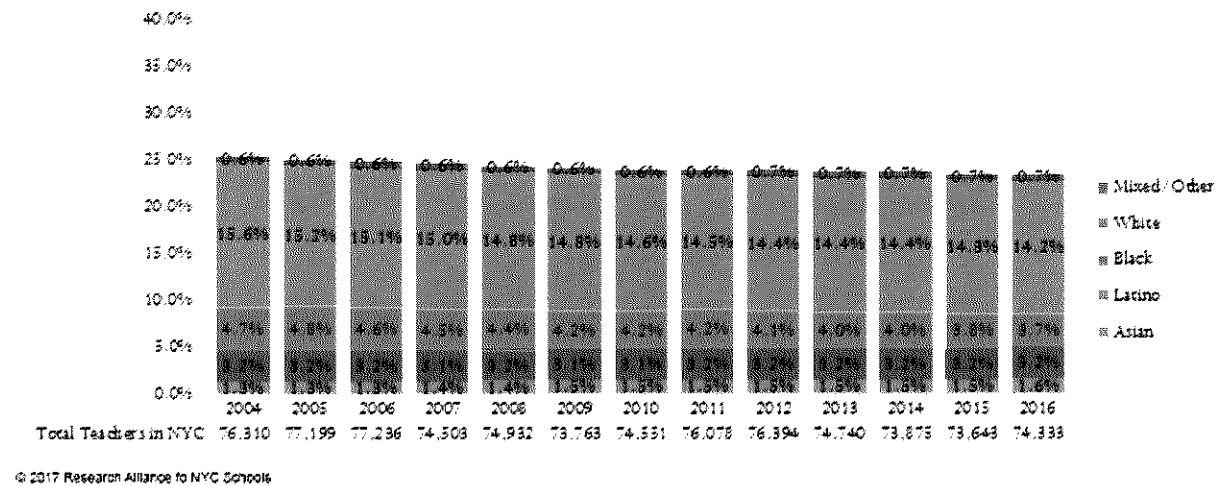


Exhibit C

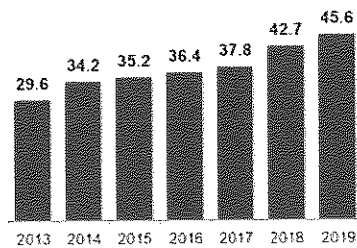
2019 New York State Test Results for Grades 3-8:

Proficiency Rates for NYC Students in Math & English

In 2018, NYSED rescaled the Math and ELA exams to account for a change in test administration from 3 days to 2 days. Therefore, 2018 & 2019 results cannot be compared to prior years.

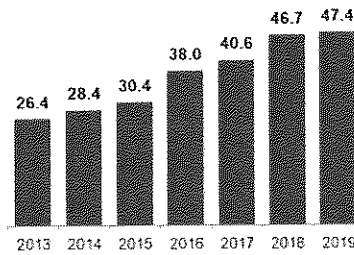
Grades 3-8 Math

Percentage Point Change
Since 2018 **+2.9 pts.**



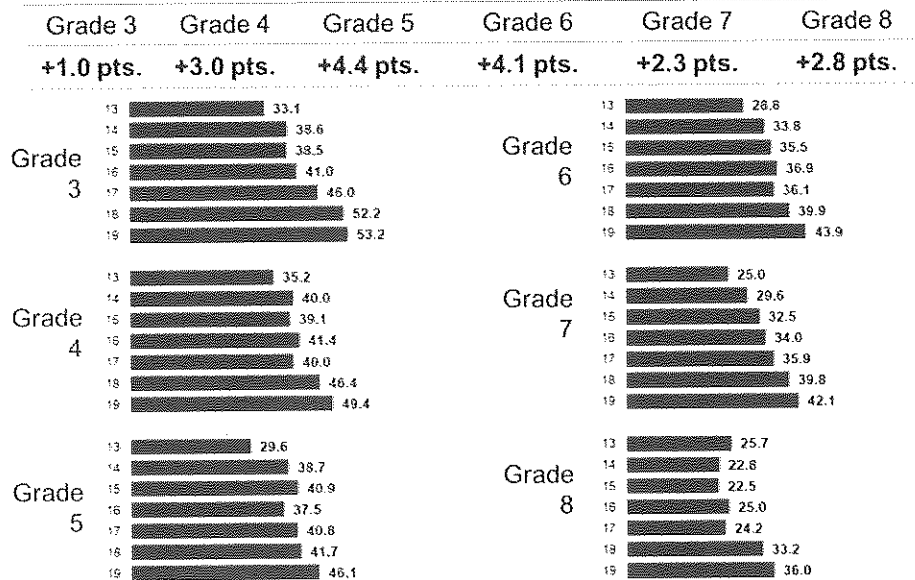
Grades 3-8 English

Percentage Point Change
Since 2018 **+0.7 pts.**



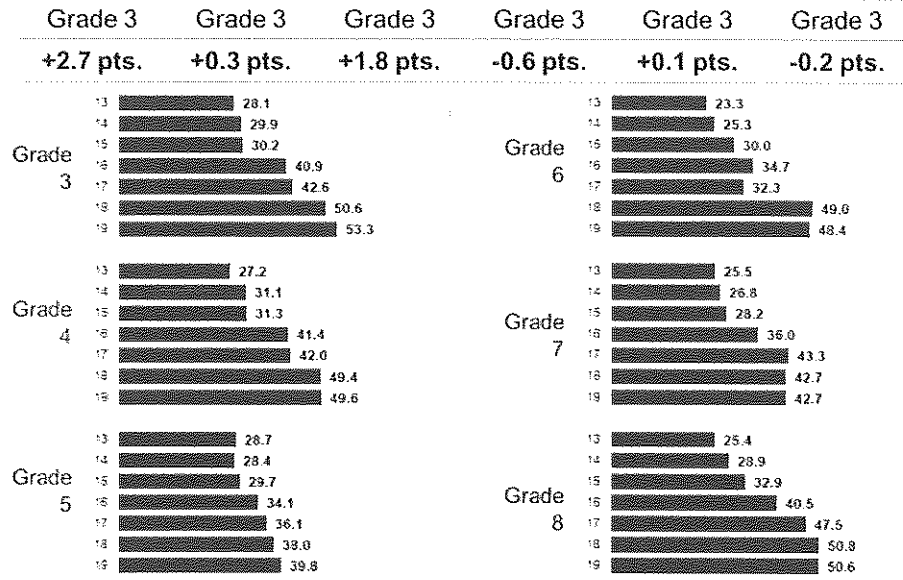
Proficiency Rates for NYC Students in Math, by Grade

Percentage Point Change Since 2018



Proficiency Rates for NYC Students in English, by Grade

Percentage Point Change Since 2018



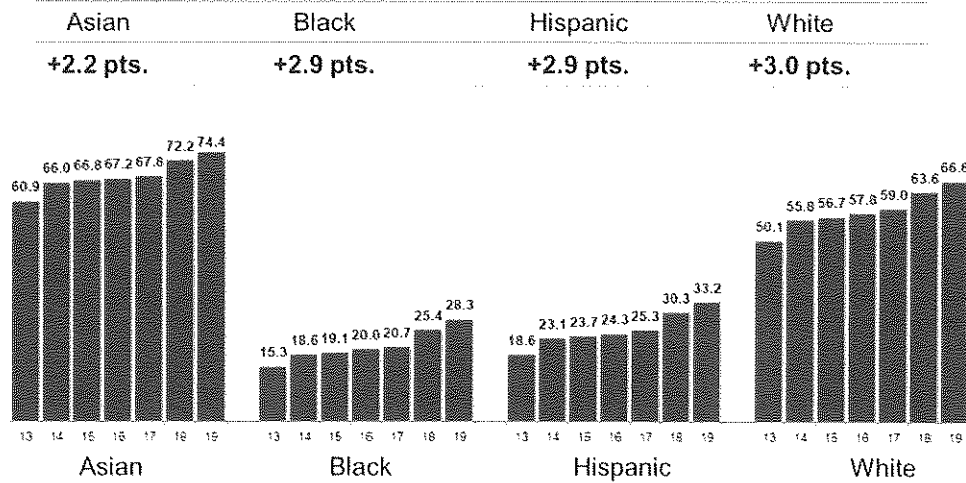
NYC Department of Education

4

Proficiency Rates for NYC Students by Race/Ethnicity

Grades 3-8 Math

Percentage Point Change Since 2018



NYC Department of Education

5

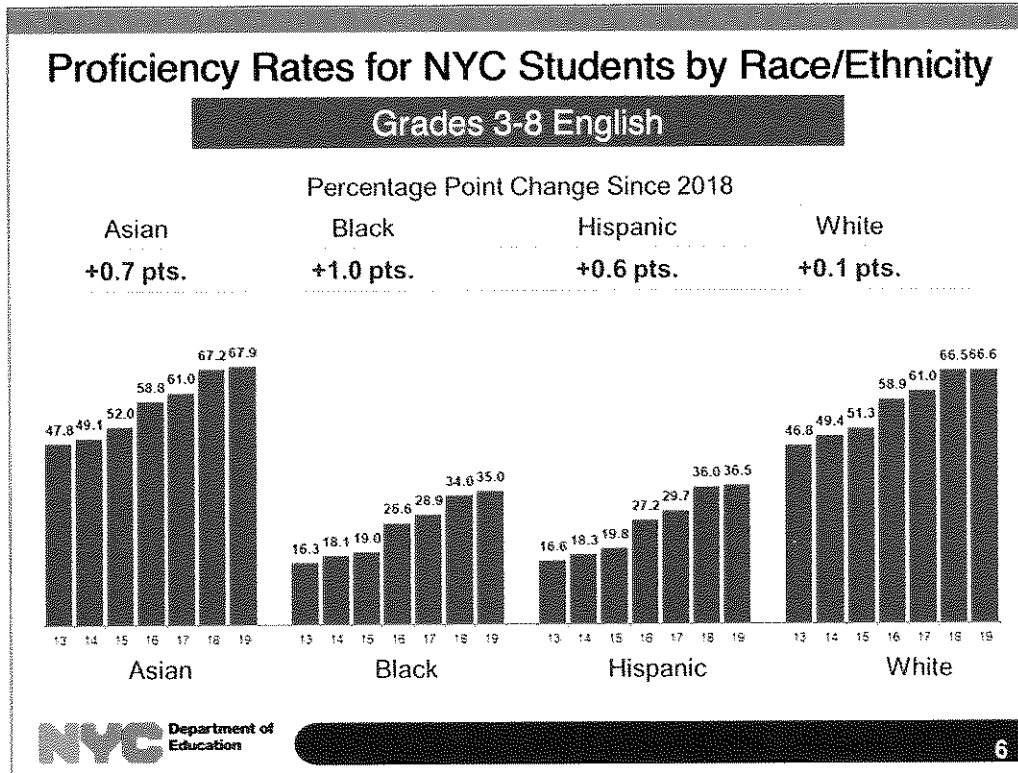



Exhibit D

P.S. 250's Academic Performance on State Exams for 2018-2019:

School Info	Rigorous Instruction	Collaborative Teachers	Supportive Environment	Effective School Leadership	Strong Family-Community Ties	Trust
General Information <p>School website: schools.nyc.gov/SCHOOL/S/K250 Main contact: Roseann Lacioppa Enrollment (2020-21): 25 Type of program: District School Daily start time: 8:00 AM Pick up time: 2:20 PM Length of pre-K day: Full Day</p>				Location  <p>108 Montrose Avenue Brooklyn, NY 11206 Phone: 718-384-0889</p>		
Program Features <p>Early drop off available: No Late pick up available: No Meals: Breakfast/Lunch/Snack Playspace: N/A Ages served* (see note below): 4 year olds (Pre-K), 3 year olds (3-k) Head Start program** (see note below): No Special class available*** (see note below): No Dual language: No</p>				School Survey <p>In 2020-21, 74 families from this school (20% of enrolled families) completed the NYC School Survey.</p> <p>96% of pre-K families responded positively to questions about this program</p>		
Student Demographics <p>Asian: 8% Black: 12% Hispanic or Latinx: 80% Native American: 0% White: 0% English language learners: 20% Students with disabilities: 12% Female: 40% Male: 60%</p>				Selected Survey Questions <p>99% of families say that they are satisfied with the education their child has received this year.</p> <p>99% of families say that they are satisfied with the overall quality of their child's teachers this year.</p> <p>97% of families say that they are satisfied with the response they get when they contact their school.</p>		

P.S. 250's Academic Performance on State Exams for 2018-2019:

School: P.S. 250 George H. Lindsay - (ES) 14K250 Year: 2018-19 Select Language
Powered by Google Translate

School Info Student Achievement Rigorous Instruction Collaborative Teachers Supportive Environment Effective School Leadership Strong Family-Community Ties Trust

Overall Rating for Student Achievement

Fair



The **Student Achievement** rating looks at this school's State test results, including student growth and performance; how students performed in core courses; and how well students are prepared for middle school.

The overall section rating is a combination of many Student Achievement measures, including those presented here.

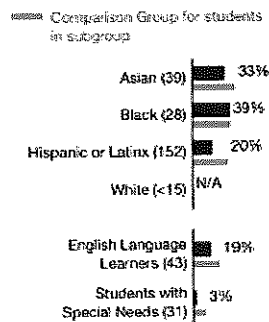
English

Performance on State Tests

25% of students at this school met State standards on the State English test; the average score was 2.4 out of 4.5
Comparison Group*: 39%
District 14: 48%
City: 48%

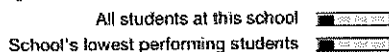
Performance on State Tests by Subgroups

What percentage of different groups of students met State standards (scored a 3 or 4) on the State English test? (number of students in subgroup is in parentheses)



Growth on State Tests

How well did this school help students improve on their State English tests?



Over the past two years, how did fifth graders' State test scores compare to their scores from when they were in third grade?

Third-grade test scores	Fifth-grade test scores
Level 3 or 4	51% scored 3 or 4 (Comp Group*: 61%)
Level 2	3% scored 3 or 4 (Comp Group*: 14%)
Level 1	9% scored 2, 3, or 4 (Comp Group*: 11%)

Passing Courses

Next Level Readiness

99% pass rate by this school's former fifth graders in their sixth-grade classes in math, English, social studies, and science
Comparison Group*: 92%
District 14: 96%
City: 96%

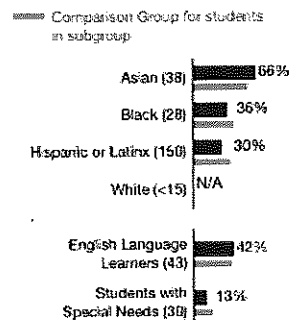
Math

Performance on State Tests

37% of students at this school met State standards on the State math test; the average score was 2.6 out of 4.5
Comparison Group*: 43%
District 14: 48%
City: 50%

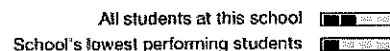
Performance on State Tests by Subgroups

What percentage of different groups of students met State standards (scored a 3 or 4) on the State math test? (number of students in subgroup is in parentheses)



Growth on State Tests

How well did this school help students improve on their State math tests?



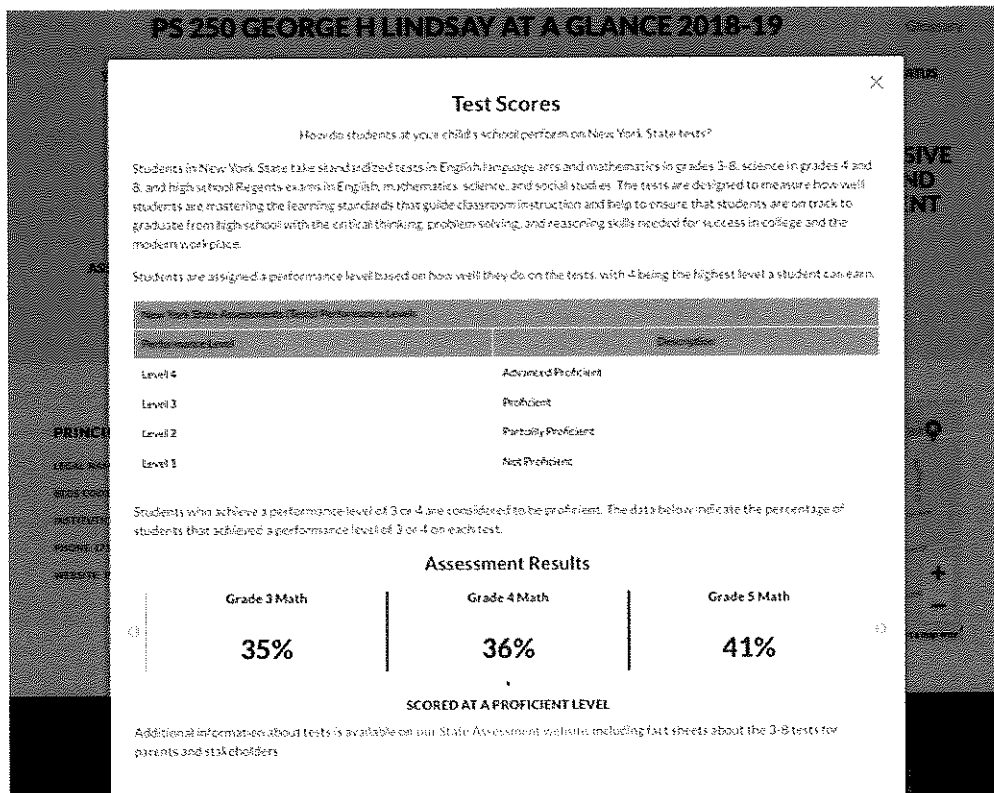
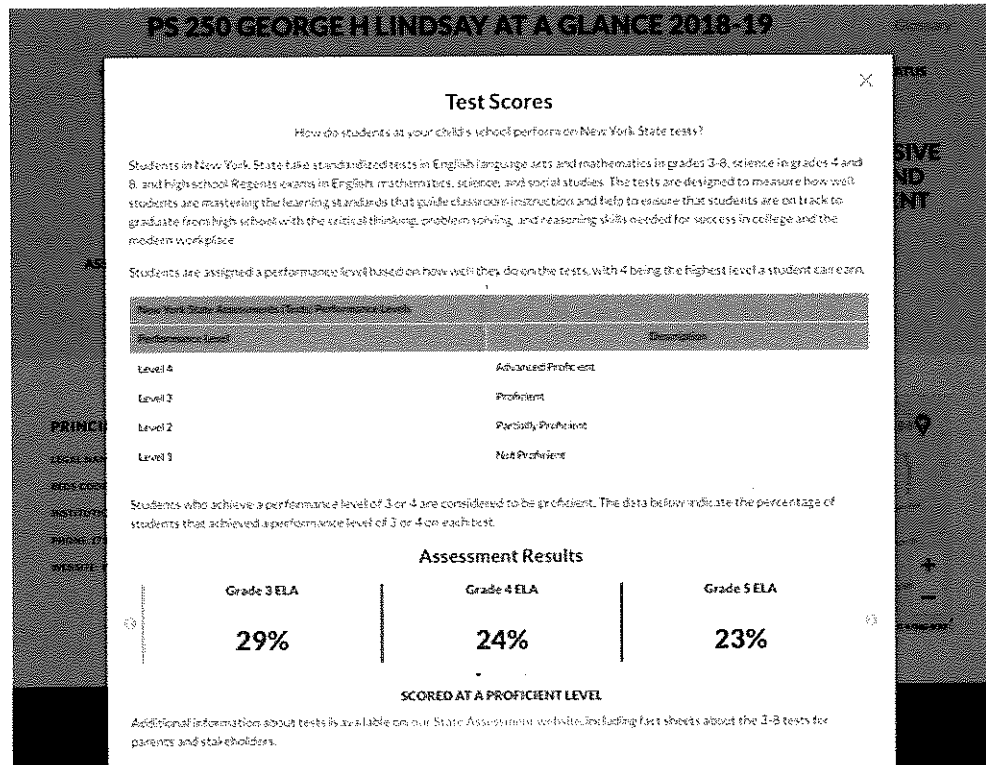
Over the past two years, how did fifth graders' State test scores compare to their scores from when they were in third grade?

Third-grade test scores	Fifth-grade test scores
Level 3 or 4	77% scored 3 or 4 (Comp Group*: 74%)
Level 2	11% scored 3 or 4 (Comp Group*: 20%)
Level 1	10% scored 2, 3, or 4 (Comp Group*: 25%)

Frequently Attended Middle Schools

Which middle schools did students from this school most frequently attend?

38%	I.S. 318 Eugenio Maria De Hostos
17%	John Ericsson Middle School 126
13%	Lyons Community School
12%	M.S. 582
4%	J.H.S. 050 John D. Wells



Multi-Year Data Tables					14K250 (ES) - P.S. 250 George H. Lindsay											
→ Select View for Comparison: Differences					 Far Above Average Above Average Below Average Far Below Average											
% = percentage-point difference																
					2017	2018	2019	2020	2017	2018	2019	2020	2017	2018	2019	2020
					State Tests - ELA				State Tests - Math				Next-Level Readiness			
					ELA - Pct at Level 3 or 4				Math - Pct at Level 3 or 4				MS Adj Core Course Pass Rates			
n					292	254	222	N/A	292	255	219	N/A	101	102	88	86
School's Value					26%	25%	25%	N/A	25%	27%	37%	N/A	96%	97%	99%	97%
Comp Group					-11%	-16%	-14%	N/A	-13%	-14%	-7%	N/A	+7%	+4%	+7%	N/A
District					-13%	-21%	-21%	N/A	-13%	-19%	-11%	N/A	0%	0%	+3%	N/A
City					-14%	-21%	-23%	N/A	-17%	-20%	-13%	N/A	+1%	+1%	+3%	N/A
					ELA - Avg Proficiency				Math - Avg Proficiency				Attendance			
													Pct with 90+ Attendance (Thru Feb)			
n					292	254	222	N/A	292	255	219	N/A	541	482	441	391
School's Value					2.5	2.4	2.4	N/A	2.5	2.4	2.6	N/A	77%	69%	68%	71%
Comp Group					-0.2	-0.3	-0.2	N/A	-0.3	-0.3	-0.2	N/A	+2%	0%	-4%	N/A
District					-0.4	-0.5	-0.5	N/A	-0.5	-0.5	-0.4	N/A	+1%	-4%	-5%	N/A
City					-0.3	-0.4	-0.4	N/A	-0.4	-0.5	-0.4	N/A	-2%	-8%	-10%	N/A

Exhibit E

Exhibit F

Exhibit G



Marcus Washington <marcuslutherx@gmail.com>

NOTICE OF CHARGE TRANSFER

Marcus Washington <marcuslutherx@gmail.com>

Wed, Apr 12, 2023 at 2:15 PM

To: twanya.westmoreland@eeoc.gov, michelle.eisele@eeoc.gov, frederick.brubaker@eeoc.gov, RICHARD BUCKLEY <RICHARD.BUCKLEY@eeoc.gov>, CHRISTIANA DORIETY <CHRISTIANA.DORIETY@eeoc.gov>

Twanya, Frederick and Michelle:

Thanks for hanging up on me in my face after lying about multiple things. One of the last things you lied about was you saying that my complaint had not be transferred to the Florida branch before being transferred to the Indianapolis branch. Please see the email below. That's one of many things you've told me that was not true.

Again, why did you call me before I received that improvident Determination letter, asking if there was anything else I wanted to present to the EEOC before a final decision had been rendered, only for the Determination letter to state that you all were not going to "proceed further [your] investigation and make[] no determination about whether further investigation would establish violations of the statute" — acts that constitute violations of my constitutional rights under the 5th and 14th Amendments?

If the Title VII requires me to first file a complaint with you and I am presenting a pyramid of evidence detailing systemic and individual disparate treatment against African Americans, the EEOC is going to do its job and enforce the law. You not going to deny me due process, including an oral hearing with a decision rendered by a AJ and then refuse to issue an EEOC Regulation 29 C.F.R. §1614.110 compliant FAD.

The three of you, as well as others at the EEOC, are being unjustly enriched and you all will be held accountable for conspiring to maintain racism throughout this country. Correct these harmful errors immediate, allow me an oral hearing before an AJ, allow them to issue their RD and the EEOC must decide whether or not to accept, modify or reject the RD when they issue their FAD. No matter what decision you make, make sure it discusses the merits of each claim raised and cites the applicable law. If a decision is not rendered no later than Friday, April 28, 2023, I will take legal action against all parties involved in denying me due process and equal protection under the law.

Best,

Marcus Washington

On Dec 14, 2022, at 12:56 PM, CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV> wrote:

<NOTICE OF CHARGE TRANSFER.pdf>

Exhibit H



Re: EEOC No. 520-2021-04229 (Marcus Washington v. NYCDOE) | Appeal

Marcus Washington <marcuslutherx@gmail.com>

Tue, May 9, 2023 at 12:38 PM

To: MICHELLE WARE <MICHELLE.WARE@eoc.gov>, Zakharia Anthony <AZakharia@schools.nyc.gov>
Bcc: ARLEAN NIETO@eoc.gov, RICHARD BUCKLEY@eoc.gov, jeffrey.burstein@eoc.gov, CHRISTIANA DORIETY@eoc.gov, charlotte.burrows@eoc.gov, frederick.brubaker@eoc.gov, Florencio.Ocampo@eoc.gov, feng.an@eoc.gov, gwendolyn.reams@eoc.gov, gwendolyn.hoy@eoc.gov, VANESSA.GUEST@eoc.gov, jocelyn.samuels@eoc.gov, judy.keenan@eoc.gov, kenneth.bird@eoc.gov, keith.sonderling@eoc.gov, michelle.ware@eoc.gov, president@whitehouse.gov, potus@whitehouse.gov, timothy.riera@eoc.gov

Michelle Ware,

First and foremost: No predominately "white" and/or racially segregated organization or group is "neutral" when it comes to matters concerning race, racism and civil rights so please stop lying to yourself and others. Notwithstanding, no man, woman or anything in between is above the law. As an employee of a federal governmental agency, you and your colleagues have a legal duty and obligation to abide by and enforce not only our nation's anti-discrimination laws, but the U.S. Constitution as well. Based on your indifferent response and approval of the EEOC's decision not to complete its investigation into my complaint of intentional violations of Title VII against the New York City Department of Education ("NYC DOE"), you are negligently acting in violation of your duties and the law.

[Procedural Violations] The EEOC's "Determination Letter" — which took more than a year for the EEOC to produce — was rendered in violation of my constitutional right to due process. By law, I am required to submit a complaint with the EEOC and given the social importance of this case, a complete investigation should have occurred, I should have been allowed a hearing before an Administrative Judge and it should have concluded with the rendering of an impartial "finding" on the merits. Those three things did not happen. Instead of rendering a decision on the merits, the EEOC simply tried to pass the buck to the court from them to the decide these issues. It doesn't work like that. I didn't wait more than a year while the EEOC had to have the case be reviewed by agencies in a total of three different states to receive a decision which never discussed the merits of my claims. If that's what I wanted, I would have requested a Dismissal and Notice of Rights Letter more than six months ago. I never desired for the EEOC to represent me in court, so all I wanted out of this was for the EEOC to issue a "fair and objective," final decision on the merits. Even if the decision was unfavorable to me, I didn't care, because I knew I would be able to show that any judgment made in favor of NYC DOE would be erroneous as both a matter of fact and law. Based on the reasons discussed in this paragraph, the EEOC's "Determination Letter" is premature, should have never been rendered and must be vitiated.

[Substantive Violations] The EEOC's "final determination" also does not "comport with [the EEOC's] interpretation of the available evidence and the laws [you all] enforce" and these intentional and gross procedural errors have harmfully delayed a final decision from being rendered in this case yet again. Although you try to make it seem like the EEOC only has the authority to "make a determination on whether [discrimination] is unlikely based on the evidence that the EEOC can reach a violation of one of the statutes [the EEOC] enforce[s]," the agency's website proves that is not true. Online it states: "The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. The EEOC has the authority to investigate charges of discrimination against employers who are covered by the law. Our role in an investigation is to fairly and accurately assess the allegations in the charge and then make a finding. If we find that discrimination has occurred we will try to settle the charge. If we aren't successful we have the authority to file a lawsuit to protect the rights of individuals and the interests of the public and litigate a small percentage of these cases. When deciding to file a lawsuit the EEOC considers several factors such as the strength of the evidence the issues in the case and the wider impact the lawsuit could have on the EEOC's efforts to combat workplace discrimination." (emphasis added)

Your response also creates the false impression that the EEOC's "final determination" contained an actual "finding" on the merits of my case. Since an investigation was never completed, the "Determination Letter" does not discuss each one of my claims nor does it cite the prevailing law to support the finder of fact's conclusions. My complaint was very thorough and well-pled. The online portal is filled with numerous exhibits supporting my claims and any claim that I made not supported with evidence, is due to the fact that the evidence is solely in the NYC DOE's possession (e.g. EEO-1 statistics, complaint filed against me by Amott, etc.). Any missing evidence should have been obtained by the EEOC investigator. This probably never happened. Either way, as argued in my Reply, the Respondents failed to meet their heightened burden of both production and persuasion and never refuted the historical, statistical, circumstantial, documentary and other forms of evidence establishing my claims of systemic disparate treatment, systemic disparate impact and pre-hiring individual disparate treatment. If any complaint deserved a final decision on the merits, it was this one. I basically did the investigation the EEOC should have done decades ago since this is a longstanding issue, and you all still dropped the ball. Based on the mountain of undisputed evidence presented, it should have been highly likely for the EEOC to conclude that NYC DOE has and still is violating Title VII with "malice and/or reckless indifference" to the federally protected rights of African Americans. The only reason the EEOC didn't want to issue a decision on the merits, is because you know admitting the truth will implicate agencies like yourself and the Department of Education, as well as the U.S. government, for committing acts of genocide and engaging in a race-based conspiracy to deprive African Americans of our unalienable, human, constitutional and civil rights.

The EEOC's repeated refusal to enforce our nation's anti-discrimination laws and protect African Americans from widespread employment discrimination throughout the U.S. constitutes acts of negligence and fraud to name a few and those days of being unjustly enriched are numbered. When it's all said and done, the EEOC will have to make significant changes at the organizational and institutional levels, recommit itself to eradicating systemic racism against African Americans throughout all levels of the U.S. workplace, and will no longer continue to be paid hundreds of millions of dollars each year, proclaiming to the public to be committed to addressing issues of systemic disparate treatment while repeatedly ignoring mountains of clear and convincing evidence of widespread racism and racial discrimination against African Americans in employment throughout various industries.

[Conclusion] I was going to submit my official appeal tomorrow, but this e-mail will suffice. Since you, a token African American woman being paid more than \$90,000 a year, are trying to pretend that I have not demonstrated "a violation of one of the statutes [the EEOC] enforce[s]," then I ask for the "Determination Letter" to be amended and explain, in writing, why it is unlikely, based on the legal arguments raised and evidence presented, for the EEOC to conclude that the NYC DOE has and is continuing to violate Title VII for each one of my claims, as well as explain why you decided to violate my constitutional right to procedural due process, while citing whatever case law you can to support your conclusion. That should not be a hard thing to do since you are "neutral" and indiscriminately upholding our nation's anti-discrimination laws. I expect an expedited decision with regards to how the EEOC wishes to proceed no later than June 10, 2023. If the EEOC refuses to correct this gross miscarriage of justice, my complaint against the EEOC and its co-conspirators, yourself included, will be filed in court no later than June 30, 2023.

Best,

Marcus Washington

On May 8, 2023, at 10:39 PM, MICHELLE WARE <MICHELLE.WARE@EEOC.GOV> wrote:

Good evening Mr. Washington, we regret your dissatisfaction with the determination that resulted in the Commission's finding.

The Equal Employment Opportunity Commission (EEOC) is a neutral civil rights law enforcement agency. Our responsibility is to process the charges filed with us in a fair and objective manner to determine whether the laws we enforce have been violated. While we fully understand that the parties to a charge often have very firm views that the available evidence supports their respective positions, our final determination must comport with our interpretation of the available evidence and the laws we enforce.

The EEOC has the authority to make a determination on whether it is unlikely based on the evidence that the EEOC can reach a violation of one of the statutes we enforce. If this occurs, we issue Charging Parties a Determination Notice of Rights that allows you to pursue this matter further in federal court within 90 days of receipt.

Best, Michelle

Michelle D. Ware
Enforcement Manager

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Indianapolis District Office
101 West Ohio Street, Suite 1900
Indianapolis, IN 46204-4203
Michelle.ware@eEOC.gov
(463) 999-1184

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From: Marcus Washington <marcuslutherx@gmail.com>
Sent: Tuesday, April 11, 2023 1:11 AM
To: MICHELLE WARE <MICHELLE.WARE@EEOC.GOV>
Subject: Re: EEOC No. 520-2021-04229 (Marcus Washington v. NYCDOE)

You don't often get email from marcuslutherx@gmail.com. [Learn why this is important](#)

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Constitution and our nation's anti-discrimination laws on the EEOC's behalf?

Marcus

Hi Michelle,

Who gave Frederick Brubaker and Michelle Eisele the authority to 1. stop Twanya's investigation into this extremely important social issue and 2. violate the U.S.

On Mar 30, 2023, at 10:26 AM, MICHELLE WARE <MICHELLE.WARE@EEOC.GOV> wrote:

Good morning Mr. Washington,

Thank you for your email. The Indianapolis District Office is in receipt of your case. Your case is currently assigned to Investigator Twanya Westmoreland. Her direct number is (463) 999-1203. Investigator Westmoreland will reach out to you no later than April 7, 2021. Best, Michelle

From: Marcus Washington <marcuslutherx@gmail.com>
Sent: Monday, March 27, 2023 12:17 PM
To: MICHELLE WARE <MICHELLE.WARE@EEOC.GOV>
Subject: Re: EEOC No. 520-2021-04229 (Marcus Washington v. NYCDOE)

Some people who received this message don't often get email from marcuslutherx@gmail.com. [Learn why this is important](#)

Hi Michelle,

My name is Marcus Washington and I am reaching out to you after having heard nothing from the EEOC's Indianapolis division after my complaint was transferred to your office from the Miami branch in or around January 2023.

Prior to being transferred to the Miami branch, my complaint was before the NY branch for nearly a year. Since there is a strong likelihood that the EEOC will not uphold the law and will allow the NYCDOE to continue maintaining employment practices, policies and procedures that result in systemic disparate impact and disparate treatment against African Americans, I ask the you issue an expedited decision on the issues raised before you no later than April 1, 2023.

My patience is running thin. If the EEOC plans to allow another school year to pass without taking any remedial or legal action against the NYC DOE, then I will have no choice than to take legal action against the EEOC as well.

Please acknowledge receipt of this e-mail with a reply.

Best,

Marcus

On Jan 9, 2023, at 9:03 AM, CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV> wrote:

All EEOC offices run the same and we cannot transfer your case to 'another office', except for Miami for which is made available. You would have gotten the Right to Sue already if I had dismissed your case. Since you're not being cooperative with how long this is taking, then I would suggest you put in a request for the Right to Sue so you could bring NYCDOE to trial.
-Christiana

From: Marcus Washington <marcuslutherx@gmail.com>
Sent: Monday, January 9, 2023 8:41 AM
To: CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>; RICHARD BUCKLEY <RICHARD.BUCKLEY@EEOC.GOV>
Subject: Re: EEOC No. 520-2021-04229 (Marcus Washington v. NYCDOE)

I also want my case transferred to another office. I have dealt with the Miami office in the past and they are no different than the New York office. Transfer my complaint to another office by the end of the business day.

Marcus

On Jan 9, 2023, at 8:39 AM, Marcus Washington <marcuslutherx@gmail.com> wrote:

I'm not buying that bs Christiana. I communicated very early on that I wasn't looking for this investigation to be unnecessarily dragged out and sought an expedited decision because of the fact I'd dealt with you all before and I know how you operate and turn a blind eye to systemic racism.

Also, it would not take another year or two to reach a decision based on the pyramid of undisputed evidence presented and arguments raised by both parties. If so, you should have just dismissed the complaint since you clearly don't understand anti discrimination law or what racism actually is. Also, keep in mind that you told me on November 15, 2022: "I know you are anticipating to hear a decision from the EEOC it will be soon but not yet." So now, you're saying "soon" is 1-2 years? Sure. The last thing you should be doing right now, is trying to insult my intelligence. The New York office dropped the ball big time and you all will not be allowed to get away with it while one of the most racially segregated school districts in the country continues to violate our nation's civil rights laws without any repercussions by maintaining employment practices, policies and procedures that create a disparate impact against qualified African Americans and ensures that the gross underrepresentation of African American teachers employed remains frozen.

Marcus

On Jan 9, 2023, at 8:25 AM, CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV> wrote:

Good Morning Marcus,

Many charging parties are aggravated just as you are with us and we understand that but our office, unfortunately, are extremely short-staffed and backlogged. This is the reason why we had to transfer numerous charges over to Miami because they have plenty of investigators who are not backlogged. It is most likely you will receive an outcome much sooner than you would coming from our office. Otherwise, if we did not transfer, many charges would not be completed for at least another year to 2 years, which thereby would cause a further backlog for new incoming charges that need be investigated for discrimination. I truly hope you do understand this and your cooperation would be appreciated. So, please give Miami some time to process your charge transfer and you will be assigned to a different investigator as soon as possible. Let me know if you have any questions or concerns.

-Christiana

From: Marcus Washington <marcuslutherx@gmail.com>

Sent: Monday, January 9, 2023 8:01 AM

To: CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>; RICHARD BUCKLEY <RICHARD.BUCKLEY@EEOC.GOV>

Subject: Re: Office for Civil Rights Case No. 02-21-1273 New York City Department of Education

So shortly after I sent this e-mail to you, my case was transferred!?! The EEOC has some explaining to do.

Don't think you all are receiving millions in taxpayers funds when you all are incapable of upholding the law and unable to make a finding of discrimination when it's blatant and slaps you in your face. I have worked in two industries throughout my career that have historically remained segregated by race and the EEOC has never done anything about it! What a joke!

It's time for this organization to be held accountable for allowing racism to remain rampant throughout the American workplace. You all have absolutely no credibility and this organization will no longer exist and/or will have to change significantly when I take legal action against this racist and corrupt government.

Marcus

On Nov 18, 2022, at 1:03 PM, Marcus Washington <marcuslutherx@gmail.com> wrote:

Hey Christina,

While looking for more evidence to prove my claims of systemic disparate treatment and disparate impact, I came across this webpage from the NYC DOE titled: "Guidance to Foster Ongoing Dialogue and Action About Race and Equity." [<https://infohub.nyced.org/in-our-schools/programs/race-and-equity>]

Their attorney claimed they have no engaged in any unlawful conduct but why would a non racist company complying with Title VII write this: "As the largest school system in the country, we are accountable to addressing the ways in which our institution perpetuates racism and inequities."

Accountability is reflecting, understanding biases, prioritizing learning and educating oneself, engaging in conversations with young people, community members, family, and colleagues about race, racism, and racial violence, listening, unpacking the root causes of our current state, and most importantly, taking action against racial injustice"? Blanket denials don't sound like accountability to me, especially when their workforce remains segregated by race and/or color.

As the former Chancellor Carranza shared in a letter to staff, he stated that racism, "is systemic—woven deeply into the fabric of our institutions, our economy, and the systems that make up our shared community. That is true in New York City, as progressive and forward-thinking as we are, including in our public school system." That's an admission of guilt in and of itself and I simply ask that the EEOC comply with and enforce our nations civil rights laws immediately.

This institution has gotten away with their racism for decades and it can no longer be allowed to act above the law, while intentionally dumbing down society with a white controlled curriculum that obfuscates the truth about history and so many other things.

Best,

Marcus

On Tuesday, November 15, 2022, CHRISTIANA DORIETY
<CHRISTIANA.DORIETY@eeoc.gov> wrote:

Good Afternoon Marcus,

How are you? Thanks for your e-mail.

Your case is still ongoing... I know you are anticipating to hear a decision from the EEOC, it will be soon but not yet. Your rebuttal had pushed for more further investigation necessary to fully assess the scope needed to make a decision, and this is why it's taking a bit of time. I hope this information helps.

Best,

Christiana R. Doriety | Federal Investigator
United States Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor, New York, NY 10004
Email: christiana.doriety@eeoc.gov

From: Marcus Washington <marcuslutherx@gmail.com>

Sent: Tuesday, November 15, 2022 9:24 AM

To: CHRISTIANA DORIETY <CHRISTIANA.DORIETY@EEOC.GOV>

Subject: Re: Office for Civil Rights Case No. 02-21-1273 New York City Department of Education

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I am still awaiting a reply Christiana...

Marcus

On Wednesday, October 26, 2022, Marcus Washington
<marcuslutherx@gmail.com> wrote:

Hi Christiana,

How are you? Hope all is well.

I am looking for an update on the status of my complaint.

Not sure if you're aware, but after a year, the U.S. Department of Education decided to forward part of my complaint to your agency. What a waste of time! Typical racist behavior!

I know the EEOC typically takes a long time to render decisions and dismisses most discrimination complaints. I know all of my claims are legitimate no matter what the EEOC decides, so I am seeking for the EEOC to issue an expedited decision on the matter so the parties can have their hearing and any other proceeding allowed to ensure due process and equal protection under the law. Too much time is being wasted and NYC DOE is still imposing vaccine mandates although the conspiracy to orchestrate the COVID-19 pandemic and commit massive genocide is being exposed each and every day.

I'm submitting this video The Real Anthony Fauci (<https://www.therealanthonyaucimovie.com/>) as evidence in my case as well.

I look forward to hearing from you.

Best,

Marcus Washington

On Oct 26, 2022, at 8:50 AM, Marcus Washington <marcuslutherx@gmail.com> wrote:

So what investigation did you and/or the U.S. Department of Education actually do if it took you all nearly a year to dismiss my legitimate and serious complaint?

What documents did this agency collect from the NYC DOE in response to all the submissions you note in your dismissal letter? The NYC DOE should have had to provide your federal agency with documents or statistics reflecting the racial composition of its workforce and/or student body since it has been reported by numerous media outlets that NYC DOE is one of the most racially segregated school districts in the nation.

Also, you state that I "did not provide information of vaccination rates for Black teachers," but how would I — a former employee — have that information? That's information this agency should have compelled the NYC DOE to produce given that they are the employer. As you're probably aware, the COVID-19 plannademic is being exposed for the lie it always was and Fauci and his co-conspirators are being sued left and right for their crimes against humanity. The government knows vaccines are dangerous and is profiting from something they created using taxpayer dollars. What an evil and idiotic group of people.

The civil rights laws were a direct result of the black-led civil rights movement and the fact that you and this racist institution you work for are getting paid to maintain racism boils my melanin. The U.S. Department of Education is violating Title VII and allowing school districts across the nation to do the same. The U.S. Department of Education is allowing its predominately white workforce to miseducate all children in order to maintain the myth of race and indoctrinate all into believing in the myth of white racial superiority by whitewashing and glossing over world and U.S. history. You all will be exposed and held accountable for your role in the overall genocide of African Americans. That is my new mission.

Marcus Washington

On Oct 26, 2022, at 7:44 AM, Artz, Alexander
<Alexander.Artz@ed.gov> wrote:

Dear Mr. Washington,

The first notice that OCR provided to the NYCDOE regarding your complaint was the letter on August 22 advising the NYCDOE of the referral to the EEOC. I'm sorry that was not clear in my previous message.

Best,
Andy

Alexander H. Artz (Andy), Esq.
Pronouns: *He/Him/His*
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th FL
New York, NY 10005
Office: (202) 987-1463
Email: alexander.artz@ed.gov

From: Marcus Washington <marcuslutherx@gmail.com>
Sent: Tuesday, October 25, 2022 10:18 PM
To: Artz, Alexander <Alexander.Artz@ed.gov>
Subject: Re: Office for Civil Rights Case No. 02-21-1273 New York City Department of Education

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am still awaiting a reply. It has been more than a week...

Marcus

On Thursday, October 13, 2022, Marcus Washington
<marcuslutherx@gmail.com> wrote:

Also, I did not ask for a copy of the NYC DOE's response to the OCR after you referred Allegations 1 and 2(a) to the EEOC. I asked for a copy of the NYC DOE's response to my initial complaint, which you dismissed a few weeks ago..

Marcus

On Oct 12, 2022, at 1:12 PM, Artz, Alexander
<Alexander.Artz@ed.gov> wrote:

Hello Mr. Washington,

On August 22, 2022, OCR advised the NYCDOE of the referral of Allegations 1 and 2(a) to the EEOC. The NYCDOE did not submit a response to OCR; I am not aware of whether the NYCDOE has submitted anything to the EEOC.

I hope this helps, and I hope you are doing well.

Yours sincerely,
Andy

Alexander H. Artz (Andy), Esq.
Pronouns: *He/Him/His*
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Fl.
New York, NY 10005
Office: (202) 987-1463
Email: alexander.artz@ed.gov

From: Marcus Washington
<marcuslutherx@gmail.com>
Sent: Wednesday, October 12, 2022 10:43 AM
To: Artz, Alexander <Alexander.Artz@ed.gov>
Subject: Re: Office for Civil Rights Case No. 02-21-1273 New York City Department of Education

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Alex,

Can you please provide me with a copy of the NYC DOE's response to my complaint by the end of the week?

Best,

Marcus

On Aug 25, 2022, at 9:28 AM, Marcus Washington <marcuslutherx@gmail.com> wrote:

See also: Sharon LaFraniere and Noah Weiland. "Walensky, Citing Botched Pandemic Response, Calls for C.D.C. Reorganization." The New York Times. August 17, 2022. <https://www.nytimes.com/2022/08/17/us/politics/cdc-rochelle-walensky-covid.html>.

MW

On Thursday, August 25, 2022, Marcus Washington <marcuslutherx@gmail.com> wrote:

I'm glad you denied my COVID claims prematurely because as you should be aware, the CDC recently admitted to botching it's response to COVID-19. Walensky admitted that the agency made many errors and we need to stop pretending that the vaccine actually

works and is safe.

Please see August 19, 2022 FOX News interview with Dr. McCollough: <https://video.foxnews.com/v/6311077574112#sp=show-clips>.

As stated, this is a form of biological warfare made by the US government for the purposes of depopulation and to help usher in a "new world order." This is nothing short of genocide and is further proof that the DOE, NYC DOE and others are aiding and abetting in a larger conspiracy to deprive all Americans, especially African Americans, of their unalienable, human and civil rights. You all have purposefully dumbbed down Americans so that present day, majority of them would believe all of your lies.

All vaccine mandates throughout society, especially the educational sector, must be abolished immediately.

The arguments raised in this email also constitute as addition to my appeal. Forward this to the appropriate persons.

Marcus Washington

On Tuesday, August 23, 2022, Marcus Washington

<marcuslutherx@gmail.com> wrote:

Also, were you a contributor to this report: <https://www2.ohchr.org/english/bodies/cerd/docs/ngos/usa/USHRN36.doc?>

Marcus

On Tuesday, August 23, 2022, Marcus Washington

<marcuslutherx@gmail.com> wrote:

"Ensure impartiality"?! What a joke.

Marcus

On Tuesday, August 23, 2022, Artz, Alexander

<Alexander.Artz@ed.gov> wrote:

Dear Mr. Washington,

Confirming that I received your message below, and that I am submitting your appeal for review. To ensure impartiality, a staff member in a different OCR office will handle the appeal.

Thank you,
Andy

Alexander H. Artz (Andy), Esq.
Pronouns: *He/Him/His*
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Fl.
New York, NY 10005
Office: (646) 428-
3901 Email: alexander.artz@ed.gov

From: Marcus Washington

<marcuslutherx@gmail.com>

Sent: Tuesday, August 23, 2022
12:37 PM

To: Artz, Alexander

<Alexander.Artz@ed.gov>

Subject: Re: Office for Civil
Rights Case No. 02-21-1273
New York City Department of
Education

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content is safe.

Alex,

I expected this improvident
decision from you, which why I
asked asked you repeatedly to
expedite your final decision
regarding my complaint against
the NYC DOE. For the following
reasons below, I'm appealing
your decision regarding claims
2(b) and 3.

Regarding claim 2(b), I would
like to know, during your
"investigation," what documents
did you compel the NYC DOE to
produce? You know I'm not
going to have the actual stats
regarding the racial makeup of
teachers who were terminated
due to not being vaccinated, so
how could you deny those
claims without first compelling
the NYC DOE to provide that
statistical information to you? I
recently filed a FOIL request for
that specific information and the
NYC DOE is currently stalling
and pushing back its deadlines
to produce various documents
that will further prove all of my
claims. And if I've provided
significant evidence showing that
the vaccines are not safe and
effective, and have a disparate
impact on African Americans
specially because of our unique
genetic makeup, you can't
ignore that information and allow
a company to mandate poison
as a condition of employment.

Regarding claim 3, I also did cite
specific practices, policies and
procedures that create a
disparate impact against African
Americans, especially African
American males from being
hired (e.g. strong reliance on
licenses, on-going hiring
discrimination, disparate impact
caused by work culture
segregated along racial lines,
etc). Ultimately, if I'm claiming
that these practices cumulatively
create a disparate impact, I don't
have to identify a specific
employment practice if they can't
necessarily be separated. Title
VII explicitly states that. Either
way, the license requirements
have racist origins in this country
and are clearly not the only way
one can become a teacher in

this country. Hiring discrimination is another reason for the dearth of black teachers being employed. It cannot be disputed that nyc doe has one of the most racially segregated school districts in the country so how is their failure to desegregate and comply with Brown not a violation of our nation's antidiscrimination laws? That needs to be explained.

As stated, the OCR is also liable because you all have allowed this to happen. This issue existed before I became a teacher and it's well documented. Now, you all are trying to defend a clearly racist institution in which majority of students are of color. Pretty despicable. Instead of making sure school districts complied with our civil rights laws, you and the OCR continue to turn a blind eye to this historical problem that is only worsening each year! Not on my watch. You all wasted a significant amount of my time but it won't be that easy. Now your racist brothers and sisters are trying to further brainwash and miseducate the masses by preventing educators from discussing the truth about this country's racist history. Enough is enough. If you're going to deny my claims, do so without ignoring my arguments and omitting pertinent evidence. Explicitly address these issues in whatever decision you make regarding my appeal.

Regarding claims 1 and 2(a), a complaint was filed with the EEOC in or around the time I filed a complaint with the OCR and they are also dragging the feet because they know, like you, that what I'm alleging is true.

Best,

Marcus Washington

On Monday, August 22, 2022,
Artz, Alexander
<Alexander.Artz@ed.gov>
wrote:

The password for access to the letter is Washington1273.

From: Artz, Alexander
Sent: Monday, August 22, 2022 5:48 PM
To: Marcus Washington
<marcuslutherx@gmail.com>
Subject: Office for Civil Rights
Case No. 02-21-1273 New
York City Department of
Education

Dear Mr. Washington,

Please find attached a letter regarding your above-referenced Office for Civil Rights complaint. I will send a password for access to the letter in a separate email.

Sincerely,
Andy

Alexander H. Artz (Andy), Esq.
Pronouns: *He/Him/His*
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th
Fl.
New York, NY 10005
Office: (646) 428-3901
Email: alexander.artz@ed.gov

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In order to provide more immediate communications to you and reduce operating costs we are providing letters as PDFs delivered via email. If you prefer a hardcopy, please print the attached PDF.

Exhibit I



MARCUS WASHINGTON <disabled.MWashington17@gmail.com>

Final Notification - Pending Termination February 28, 2022

SubCentral@schools.nyc.gov <SubCentral@schools.nyc.gov>
To: disabled.MWashington17@schools.nyc.gov, marcus92184@gmail.com

Wed, Feb 23, 2022 at 6:49 PM

Dear MARCUS WASHINGTON ,

Final Notification - Pending Termination February 28, 2022

As you are aware, you have been suspended for failure to upload proof of vaccination. Our records indicate that as of today February 23, 2022 you have NOT uploaded proof of your COVID -19 vaccination.

As only vaccinated employees are allowed in NYC DOE Buildings, if proof of vaccination is not uploaded by Thursday 2/24/2022 your substitute line of service will be terminated.

Please note: Once you become vaccination compliant, contingent on nominations being open, you can be re-nominated by a school principal at that time.

Proof of vaccination can easily be uploaded to the DOE Vaccination Portal using the DOE Vaccination Portal link or by visiting and signing into the following website: <https://vaccine.schools.nyc/>. In order for the vaccination to be accurately recorded it MUST be uploaded using your DOE issued email address. Vaccination records uploaded using your personal email address are not considered compliant.

If you encounter technical issues using the Vaccination Portal, please contact the DOE Help Desk by opening a ticket online or by calling 718-935-5100. You should also email SubCentral at SubCentral@schools.nyc.gov a copy of your vaccination card as we can assist with the vaccination upload.

Thank you,
Office of SubCentral
NYC Department of Education
65 Court Street, Room 505
Brooklyn, NY 11201



Marcus Washington - marcus92184@gmail.com

Pending Termination for Vaccination Non Compliance

Subcentral@schools.nyc.gov <Subcentral@schools.nyc.gov>

Fri, May 6, 2022 at 4:33 PM

To: disabled.MWashington17@schools.nyc.gov, marcus92184@gmail.com

Dear MARCUS WASHINGTON ,

Our records indicate that as of today May 6, 2022, you are suspended and still have not provided proof of a COVID-19 vaccination. As you have been previously notified, this requirement is a condition of your employment with the New York City Department of Education. In order for the vaccination to be accurately recorded it MUST be uploaded using your 'DOE issued' email address. Please know that vaccination records that are being uploaded using a personal email address are not acceptable.

Proof of vaccination can easily be uploaded into our system by visiting and signing into the following website:
<https://vaccine.schools.nyc/>.

If you encounter technical issues using the Vaccination Portal, please contact the DOE Help Desk by opening a ticket online or by calling 718-935-5100, you can reply to this email with a copy of your vaccination card and we will upload the vaccination card on your behalf.

If proof of vaccination is not reflected in the Vaccine Portal by the end of the day, Monday, May 23, 2022, your employment with the New York City Department of Education will be terminated.

If proof of vaccination is not uploaded by Monday, May 23, 2022, your NYC DOE employment status will change from suspended to terminated, effective that date.

Thank you,
Office of SubCentral
NYCDOE Division of Human Resource

Exhibit J

October 25, 2023

Liz Vladek
Records Access Appeals Officer
General Counsel, c/o Office of Legal Services
New York City Department of Education
52 Chambers Street – Room 308
New York, New York
10007

Re: Appeal for Case #F19,946

To: Liz Vladek, Ann Macadangdang, Anthony Zakharia & Additional Co-Conspirators:

I — Marcus Isaiah Washington — am writing and submitting this appeal to be given access to records pursuant to the New York Freedom of Information Law, N.Y. Pub. Off. Law § 85, et seq. The NYCDOE's decision to deny majority of my 34 requests for documents related to the NYCDOE's history of racism, racial discrimination and employment discrimination, as well as records pertaining to my employment and COVID-19, is erroneous as both a matter of law and public policy. For the following reasons discussed below, I am appealing the various decisions of the NYCDOE in their refusal to comply with my request for documents pursuant to the Freedom of Information Law ("FOIL").

Procedural Overview:

I — the only African American male employed in a teaching capacity at P.S. 250 — was terminated in violation of the NYCDOE and UFT's "Day-to-Day Substitute Teachers" and Article 21 of the Teacher's Agreements and various civil rights laws — by Jill Amott and P.S. 250 in August of 2021, and was subsequently terminated from the NYCDOE for refusing the unsafe and ineffective COVID-19 bioweapon.

Within hours of my abrupt termination, I immediately filed complaints with the NYCDOE and UFT on [insert date]. On March 7, 2022, I filed a complaint with the Equal Employment Opportunity Commission ("EEOC"). The attorney representing the NYCDOE in this matter was Liz Vladek. Vladek downplayed my claims and try to minimize the reality and devastating impact of institutionalized and systemic racism throughout our society, and refused to produce any documents to support her claims.

As a result, between May 20, 2022 and January 17, 2023, I submitted five separate FOIL requests to the NYCDOE pursuant to the Freedom of Information Law.

Items 1-12 on May 20, 2022 [amended Items 1-12 on June 8, 2022]
Items 13-30 on June 8, 2022
Items 31-32 on July 2, 2022 [amended Items 31-32 on July 5-6, 2022]
Item 33 on September 2, 2022
Item 34 on January 17, 2023

Information About the Freedom of Information Law (FOIL):

According to "New York's Freedom of Information Law (FOIL): A Short Guide" produced by the University at Buffalo, it states: "The Freedom of Information Law (FOIL) is a New York state law that gives the public a right to access government records. FOIL applies to nearly all government agencies in New York State[], from the governor's office and state agencies to country and local government and public authorities." [pg. 1.]

According to the guide, "FOIL is designed to encourage transparency and accountability in government" and can be used to "force disclosures of documents and data by public agencies, gather information and statistics for advocacy, investigative or expose problems in government, develop public policy, prepare a potential lawsuit [and] journalism and research." [pg. 1.]

"Agencies can withhold records that fall into certain limited categories that are specified by law. All records are presumed to be public, unless an exemption applies. Agencies should redact exempt information where possible, rather than withholding documents in full. Some commonly invoked exemption[s] are: person privacy, interference with contract awards or union negotiations, law enforcement records, but only if disclosure would interfere with law enforcement investigations or judicial proceedings; deprive a person of a right to a fair trial or impartial adjudication; identify a confidential source or disclose confidential information relating to a criminal investigation; reveal criminal investigative techniques or procedures, except routine techniques and procedures, 'inter-agency or intra-agency materials' (i.e. internal communications or memos) except the agency must disclose: factual information (as opposed to opinions or internal deliberations), including statistical or factual tabulations or data; instructions to staff that affect the public; final agency policy or determinations; and external audits." [pg. 4]

As a general matter, when records are accessible under the FOIL, it has been held that they should be made equally available to any person, regardless of one's status, interest or the intended use of the records.¹

NYCDOE Responses to FOIL Requests and Mr. Washington's Opposition:

First Set of Requests:

Item 1 ["From 2012 to present all relevant documents detailing the racial and gender makeup (e.g. African American men, African American women, White men, White woman, Hispanic men, Hispanic woman, Asian man, Asian woman, Native Am. Indian men, Native American woman), of NYC DOE's teacher workforce each year."]:

In first response on May 27, 2022, NYCDOE stated: "With respect to items 1, 3, 4, and 8, a search for records will be conducted. We anticipate providing you with a response by June 28, 2022."

Then stated, "To the extent that item 1 seeks "all documents" relating to the gender and racial makeup of DOE teachers, please be advised that such a request is overbroad and is not reasonably described pursuant to Public Officers Law §89(3)(a)."

They then stated, "A request reasonably describes records when the description provides sufficient ability, with reasonable effort, to launch an effective search to locate and identify the records sought. In this case, an effective search to locate and identify responsive records cannot be launched since "all documents" does not describe specific types of records." [Clearly, that meant that all documents that are responsive should be produced. That's a given pursuant to the law.]

"Without additional information, the DOE cannot, with reasonable effort, locate records responsive to items 1 (beyond the interpretation of this request as seeking responsive data as described above) and 5 –7. Accordingly, we ask that you provide us with clarification by June 28, 2022, or those portions of your request will be deemed withdrawn and you will be provided with no records."

On July 1, 2022, NYCDOE stated, "Request item 1 will be expanded in scope to search for records pertaining to substitute teachers and custodians. However it is unclear what position you are referring to when you reference "lunch room staff". For example a teacher may be monitoring the lunch room on any particular date. Please submit clarification by August 1 2022 or this portion of item 1 will be deemed withdrawn."

¹ See *Farbman v New York City Health and Hospitals Corp.*, 62 NY2d 75, 80 (1984) (holding that full disclosure by public agencies is, under FOIL, a public right and in the public interest, irrespective of the status or need of the person making the request).

On June 15, 2023, Zakharia stated: "Regarding Item 1 of your request, by a letter dated July 1, 2022 you were informed that this portion of your request is not reasonably described pursuant to Public Officers Law § 89(3)(a) and that you would need to provide clarification. To date, we have not received clarification. Accordingly, Item 1 of your request has been deemed withdrawn and you will be provided with no records."

Item 2 ["From 2012 to present documents showing the number of African American male teachers are employed with the NYC DOE out of the total number of teachers for each year."]:

"[W]e are interpreting item 1 to mean a data set of the racial and gender makeup of teachers employed with the DOE. To that end, item 2 of your request will not be processed as it is subsumed by item 1." [I disputed this and rewrote Item 2.]

Amended on June 8, 2022 to: "As long as the documents you provide contains a breakdown on the gender composition amongst each racial group then I am perfectly fine with request number two being subsumed within the first. I additionally request this breakdown for substitute teachers lunch room staff and custodians."

NYCDOE stated on July 1, 2022: "Request item 2 is deemed subsumed as previously indicated by letter dated May 27 2022."

NYCDOE incorrectly believes that it doesn't have to maintain and/or provide me with requested EEO-1 data, which is required by federal law for employers to maintain.

Item 3 ["Total number of teachers terminated due to being unvaccinated in October of 2021."]:

In first response on May 27, 2022, NYCDOE stated: "With respect to items 1, 3, 4, and 8, a search for records will be conducted. We anticipate providing you with a response by June 28, 2022."

On September 8, 2022, Zakharia stated that "the Division of Human Capital has provided information responsive to Items 3, 4, and 25 of your request." He stated, "Item 3 of your request seeks the total number of teachers terminated due to being unvaccinated in October of 2021. Please be advised that no teachers were terminated as a result of their vaccination status in October of 2021."

On October 7, 2022, Zakharia stated: "With respect to your email sent on September 9, 2022 that seeks to modify items of your request, please be advised as follows: You seek to expand Item 3 of your request to include total number of NYC DOE employees, with a breakdown of teachers specifically, that were no longer allowed to work due to not receiving the COVID-19 vaccine. This will be processed as Item 34 of your request."

Item 4 ["Racial makeup of teachers terminated due to being unvaccinated."]:

In first response on May 27, 2022, NYCDOE stated: "With respect to items 1, 3, 4, and 8, a search for records will be conducted. We anticipate providing you with a response by June 28, 2022."

On September 8, 2022, Zakharia stated that "the Division of Human Capital has provided information responsive to Items 3, 4, and 25 of your request." He stated, "Item 4 of your request seeks the racial makeup of teachers terminated due to being unvaccinated. Please be advised that a data set responsive to this portion of your request does not exist."

On October 7, 2022, Zakharia stated: "You seek to expand Item 4 of your request to include a racial makeup of NYC DOE all employees, with a breakdown of teachers specifically, that were no longer allowed to work due to not receiving the COVID-19 vaccine between October 2021 and present. Please be advised that a data set responsive to this portion of your request does not exist."

Item 5 ["All documents detailing the NYC DOE's efforts to desegregate its school system from 2000 to present."]:

May 27, 2022: "[I]tems 5 – 7 are not reasonably described for the reasons mentioned above." ["a request is overbroad and is not reasonably described pursuant to Public Officers Law §89(3)(a)."]

"Without additional information, the DOE cannot, with reasonable effort, locate records responsive to items 1 (beyond the interpretation of this request as seeking responsive data as described above) and 5 –7. Accordingly, we ask that you provide us with clarification by June 28, 2022, or those portions of your request will be deemed withdrawn and you will be provided with no records."

On June 8, 2022, Item 5 was amended to: "Please provide me with all relevant documents electronic and/or non-electronic between 2000 and 2022 in which the NYC DOE's administrators including the chancellor and Office of General Counsel which discuss the issue of longstanding racial segregation throughout NYC DOE public schools and workforce."

On July 1, 2022, NYCDOE stated: "Despite your clarification items 5-7 continue to be not reasonably described pursuant to. Public Officers Law §89(3)(a). By way of illustration you seem to be requesting that the DOE review every document (not specifying a category of record) over a twenty-two year period by those holding specific positions DOE-wide to determine whether each record may or may not "discuss" or "detail" the subject matters referenced. As it remains unclear as to what records you are seeking these items are deemed withdrawn. However you are not precluded from submitting appropriate clarification in the future."

Item 6 ["All documents detailing the NYC DOE's efforts to address and eradicate the issue of institutionalized racism from 2000 to present."]:

May 27, 2022: "[I]tems 5 – 7 are not reasonably described for the reasons mentioned above." ["a request is overbroad and is not reasonably described pursuant to Public Officers Law §89(3)(a)."]

"Without additional information, the DOE cannot, with reasonable effort, locate records responsive to items 1 (beyond the interpretation of this request as seeking responsive data as described above) and 5 –7. Accordingly, we ask that you provide us with clarification by June 28, 2022, or those portions of your request will be deemed withdrawn and you will be provided with no records."

Then provided a link, stating: "Notwithstanding the above, the following link may contain information relevant to item 6 of your request: <https://www.schools.nyc.gov/about-us/vision-and-mission/culturally-responsivesustaining-education>." This does not fulfill the request. Documents must be produced.

On June 8, 2022, Item 6 was amended to: "Please provide me with all relevant documents electronic and/or non-electronic between 2000 and 2022 in which the NYC DOE's administrators including the Chancellor and members of the Office of General Counsel which discuss efforts to desegregate its public schools and/or comply with the Supreme Court's ruling in Brown v. Board of Education (1954)."

On July 1, 2022, NYCDOE stated: "Despite your clarification items 5-7 continue to be not reasonably described pursuant to. Public Officers Law §89(3)(a). By way of illustration you seem to be requesting that the DOE review every document (not specifying a category of record) over a twenty-two year period by those holding specific positions DOE-wide to determine whether each record may or may not "discuss" or "detail" the subject matters referenced. As it remains unclear as to what records you are seeking these items are deemed withdrawn. However you are not precluded from submitting appropriate clarification in the future."

Item 7 [All documents detailing the NYC DOE's efforts to eradicate implicit racial bias from individuals throughout its workforce."]:

May 27, 2022: "[I]tems 5 – 7 are not reasonably described for the reasons mentioned above." ["a request is overbroad and is not reasonably described pursuant to Public Officers Law §89(3)(a)."]

"Without additional information, the DOE cannot, with reasonable effort, locate records responsive to items 1 (beyond the interpretation of this request as seeking responsive data as described above) and 5 –7. Accordingly, we ask that you provide us with clarification by June 28, 2022, or those portions of your request will be deemed withdrawn and you will be provided with no records."

On June 8, 2022, Item 7 was amended to: "Please provide me with all relevant documents electronic and/or non-electronic between 2000 and 2022 in which the NYC DOE's administrators including the Chancellor and members of the Office of General Counsel detail the NYC DOE's DEI policies any trainings or workshops offered on topics of "diversity," "culturally responsive teaching" and "implicit racial bias," as well as the costs associated with the workshops."

On July 1, 2022, NYCDOE stated: "Despite your clarification items 5-7 continue to be not reasonably described pursuant to Public Officers Law §89(3)(a). By way of illustration you seem to be requesting that the DOE review every document (not specifying a category of record) over a twenty-two year period by those holding specific positions DOE-wide to determine whether each record may or may not "discuss" or "detail" the subject matters referenced. As it remains unclear as to what records you are seeking these items are deemed withdrawn. However you are not precluded from submitting appropriate clarification in the future."

Item 8 ["All documents detailing the racial makeup of individuals accepted into the NYC Men Teach program from 2015 to present (e.g. Af. American, White, Hispanic, Asian, Native Am. Indian, Other)."]:

On June 15, 2023, NYC DOE submitted an excel spreadsheet, titled "Teacher applicants who were participants in the NYC Men Teach Program" from 2016 to 2022.

Item 9 ["Number of NYC DOE employees who have been infected with COVID-19 since NYC DOE's vaccine mandate went into effect."]:

On May 27, 2022, NYCDOE stated: "With respect to items 9 and 10 of your request, please be advised that it is unclear as to what date you are seeking data and therefore, these items are not reasonably described. Nevertheless, the following links may contain information relevant to items 9 and 10 of your request, respectively: <https://schoolcovidreportcard.health.ny.gov/#/home> [and] <https://www.schools.nyc.gov/about-us/news/covid-19-losses>." Later stated, "Please note that FOIL is a mechanism for the public to request records."

In response to Items 9 and 10, I clarified on June 8, 2022: "Time period for this request was written ("...since NYC DOE's vaccine mandate went into effect.") I assumed you knew the date given that you have to be vaccinated in order to be employed by the NYC DOE. Regardless the date range for requests 9 and 10 are from October 2021 to present. If the data could be broken down by each month that would be even better."

On July 1, 2022, NYCDOE stated: "With respect to Request items 9 and 10 a search for responsive records will be conducted for the time frame of October 2021 to the date of your clarification June 8 2022."

On September 23, 2023, Zakharia stated: "Please be advised that the NYC DOE's Division of Human Capital (DHC) has informed me that the data requested in Items 9, 30, and 34 of your request is not tracked in the manner requested."

Item 10 ["Number of NYC DOE employees who have died from COVID-19 since NYC DOE's vaccine mandate went into effect."]:

On May 27, 2022, NYCDOE stated: "With respect to items 9 and 10 of your request, please be advised that it is unclear as to what date you are seeking data and therefore, these items are not reasonably described. Nevertheless, the following links may contain information relevant to items 9 and 10 of your request, respectively: <https://schoolcovidreportcard.health.ny.gov/#/home> [and] <https://www.schools.nyc.gov/about-us/news/covid-19-losses>." Later stated, "Please note that FOIL is a mechanism for the public to request records."

In response to Items 9 and 10, I clarified on June 8, 2022: "Time period for this request was written ("...since NYC DOE's vaccine mandate went into effect.") I assumed you knew the date given that you have to be vaccinated in order to be employed by the NYC DOE. Regardless the date range for requests 9 and 10 are from October 2021 to present. If the data could be broken down by each month that would be even better."

On July 1, 2022, NYCDOE stated: "With respect to Request items 9 and 10 a search for responsive records will be conducted for the time frame of October 2021 to the date of your clarification June 8 2022."

On September 23, 2023, Zakharia wrote: "In addition, DHC and the NYC DOE's Office of Safety and Youth Development has informed me that the data requested in Item 10 of your request is not tracked in the manner requested. Section 89(3)(a) of the Public Officers Law states that "[n]othing in this article shall be construed to require any entity to prepare any record not possessed or maintained by such entity except" the records specified in § 87(3) and § 88(3). Therefore, there are no existing records to disclose in response to these items of your request."

Item 11 ["Information identifying the school that receives the most funding from the NYC DOE each year from 2012 to present."]:

On May 27, 2022, NYCDOE stated: "Finally, request items 11 and 12, which seek "information" does not appear to constitute a request for records and therefore, these items are denied. Please note that FOIL is a mechanism for the public to request records."

On June 8, 2022, I submitted my formal response to Miosotis Alba via e-mail. I amended Items 11-12 to: "Please provide all responsive and relevant documents, electronic and/or non-electronic, identifying the school that receives the most and least funding from the NYC DOE each year from 2012 to present."

Item 12 ["Information identifying the school that receives the least funding from the NYC DOE each year from 2012 to present."]:

On May 27, 2022, NYCDOE stated: "Finally, request items 11 and 12, which seek "information" does not appear to constitute a request for records and therefore, these items are denied. Please note that FOIL is a mechanism for the public to request records."

On June 8, 2022, I submitted my formal response to Miosotis Alba via e-mail. I amended Items 11-12 to: "Please provide all responsive and relevant documents, electronic and/or non-electronic, identifying the school that receives the most and least funding from the NYC DOE each year from 2012 to present."

Second Set of Requests:

Item 13 ["A copy of Mr. Marcus Isaiah Washington's work file as a substitute teacher for the NYC DOE from December 2016 to October 2021."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 13- A copy of Mr. Marcus Isaiah Washington's work file as a substitute teacher for the NYC DOE from December 2016 to October 2021."

On September 8, 2022, Zakharia stated: "Regarding Item 13 of your request, which seeks "a copy of Mr. Marcus Isaiah Washington's work file as a substitute teacher for the NYC DOE from December 2016 to October 2021," responsive records have been located. However, it is well-settled that agencies need not make available records that have been previously disclosed to a requestor, unless there is an allegation "in evidentiary form, that the copy [is] no longer in existence." See *Moore v. Santucci*, 151 A.D.2d 677, 678 (2d Dep't 1989); see also FOIL-AO-14306 (Oct. 27, 2003); FOIL-AO-11792 (Nov. 1, 1999). Accordingly, access is denied to such records where you were the sender or the recipient."

On October 7, 2022, Zakharia wrote: "[P]lease be advised that your request to renew Items 13, 18, 25, 31, and 32 is denied."

Item 14 ["All responsive and relevant documents electronic and/or non-electronic from former P.S. 250 Principal Jill Amott and assistant principal Rosecindy containing the words and/or discussing "Marcus Washington" or "Marcus" from December 2020 to September of 2021."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 14 - All responsive and relevant documents electronic and/or nonelectronic from former P.S. 250 Principal Jill Amott and assistant principal Rosecindy containing the words and/or discussing "Marcus Washington" or "Marcus" from December 2020 to September of 2021."

On September 23, 2023, Zakharia stated: "This letter is in final response to the Freedom of Information Law (FOIL) request referenced above. A diligent search for records has now been conducted. Additional responsive records have been located. A link to download our production of records for Items 14, 15, and 27 will be emailed to you separately."

Item 15 ["All responsive and relevant documents electronic and/or non-electronic from third grade teacher O'Leary to P.S. 250 principal Amott and/or VP Rosecindy regarding "Marcus" and/or "Marcus Washington" between December 2020 and May 31 2021."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 15 - All responsive and relevant documents electronic and/or nonelectronic from third grade teacher O'Leary to P.S. 250 principal Amott and/or VP Rosecindy regarding "Marcus" and/or "Marcus Washington" between December 2020 and May 31 2021. However please be informed that a search may be impeded to the extent that a first name has not been provided for the individual referred to as O'Leary."

On September 23, 2023, Zakharia stated: "This letter is in final response to the Freedom of Information Law (FOIL) request referenced above. A diligent search for records has now been conducted. Additional responsive records have been located. A link to download our production of records for Items 14, 15, and 27 will be emailed to you separately."

Item 16 ["All responsive and relevant documents electronic and/or non-electronic from Ms. Mailloux [first grade teacher] to P.S. 250 principal Amott and/or VP Rosecindy concerning behavior issues and challenges to teach 1st grade class as well as request for assistance."]:

On July 1, 2022, NYCDOE stated Item 16 was denied because it was "not reasonably described. To enable to launch a search for items 16 & 17 please provide specific key words that are non-generic in nature and for item 16 a discrete time frame. Request items 21-23 is denied on the same basis as explained with regard to Request items 5 – 7 above."

Item 17 ["All responsive and relevant documents electronic and/or non-electronic from Ms. Mailloux to P.S. 250 principal Amott and/or VP Rosecindy concerning a student's threat to kill other classmates between January 2020 and May 2020."]:

On July 1, 2022, NYCDOE stated Item 16 was denied because it was "not reasonably described. To enable to launch a search for items 16 & 17 please provide specific key words that are non-generic in nature and for item 16 a discrete time frame. Request items 21-23 is denied on the same basis as explained with regard to Request items 5 – 7 above."

Item 18 ["A copy of all complaints filed against former P.S. 250 principal Jill Amott."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 18 - A copy of all complaints filed against former P.S. 250 principal Jill Amott."

On September 8, 2022, Zakharia stated: "Regarding Item 18 of your request, which seeks a "copy of all complaints filed against former P.S. 250 principal Jill Amott," responsive records have been located. Please be advised, however, that access to these records is denied pursuant to POL § 87(2)(b). Certain records or portions thereof responsive to this item have been withheld or redacted, because the allegations have not been substantiated. Release of such information would result in an unwarranted invasion of privacy, and consequently, access to the name and identifying details of the subject and witness(es) as well as the factual allegations is denied."

On October 7, 2022, Zakharia wrote: "[P]lease be advised that your request to renew Items 13, 18, 25, 31, and 32 is denied."

Item 19 ["A copy of all of Jill Amott's Principal Performance Reviews from the time she hired for the position until 2021."]:

On July 1, 2022, NYCDOE stated, "Request item 19 is denied pursuant to Public Officer's Law § 87(2)(a) permits an agency to deny access to records or portions thereof that are specifically exempted from disclosure by state or federal statute. New York Education Law § 3012-c(10)(c) requires the DOE to 'ensure that any release to the public of annual professional performance review data or any other data that is used as a component of annual professional performance reviews does not include personally identifying information for any teacher or principal.' It additionally provides that "[a]nnual professional performance reviews of individual teachers and principals shall not be subject to disclosure pursuant to article six of the public officers law." Accordingly you will not be provided with any principal performance review records."

Item 20 ["All responsive and relevant documents electronic and/or non-electronic sent from Amott informing NYC DOE that she was resigning between January 2021 and September of 2021."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 20 – will be processed as any record reflecting a notice of resignation by Amott sent between January 2021 and September of 2021."

On October 7, 2022, Zakharia wrote: "A diligent search for records is ongoing, however, records responsive to Item 20 of your request have been located." Amott's resignation e-mail was attached.

Item 21 ["All responsive and relevant documents electronic and/or non-electronic from NYC DOE administration from past and current NYC DOE Chancellors members of General Counsel principals etc. containing words and phrases such as "critical race theory" "diversity" "affirmative action" "racial segregation" "DEI" "racial discrimination" "anti-racism" and "racism" between 2012 and present."]:

On July 1, 2022, NYCDOE stated Item 21 was denied because it was "not reasonably described."

Item 22 ["All responsive and relevant documents electronic and/or non-electronic in which the NYC DOE Chancellors principals etc. discuss the underrepresentation of African American male as teachers throughout the school district between 2000 to present."]:

On July 1, 2022, NYCDOE stated Item 21 was denied because it was "not reasonably described."

Item 23 ["All responsive and relevant documents electronic and/or non-electronic between December of 2020 to present from NYC DOE administration including past and present Chancellors to impose mandatory COVID-19 vaccination on all students."]:

On July 1, 2022, NYCDOE stated Item 21 was denied because it was "not reasonably described."

Item 24 ["A copy of the math exam that was offered to candidates from the NYC Men Teach program following the second round of interviews between 2016 to present."]:

On July 1, 2022, NYCDOE stated Item 24 was denied because it was "not reasonably described." They stated, "It is unclear what records you are seeking with for items 24 and 26. Further clarification with regard to the dates such records were "offered" as well as details regarding the referenced exam and agreements may be submitted to determine if a search may be launched with reasonable effort for potentially responsive records. To the extent that any examinations you are seeking may be offered in the future your access to such records for Request item 24 is denied pursuant to Public Officer's Law § 87(2)(h) which prohibits disclosure of records that 'are examination questions or answers which are requested prior to the final administration of such questions...'"

Item 25 ["Documents detailing the number of NYC DOE teaching jobs left unfilled each year between August 2012 and June 2022."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 25 — will be processed as any data pertaining to teacher vacancies left unfilled each year between August 2012 and June 2022."

On September 8, 2022, Zakharia stated that "the Division of Human Capital has provided information responsive to Items 3, 4, and 25 of your request." He stated, "Item 25 of your request seeks documents detailing the number of NYC DOE teaching jobs left unfilled each year between August 2012 and June 2022, which has been processed as any data pertaining to teacher vacancies left unfilled each year between August 2012 and June 2022. Please be advised that data responsive to this portion of your request does not exist."

On October 7, 2022, Zakharia wrote: "[P]lease be advised that your request to renew Items 13, 18, 25, 31, and 32 is denied."

Item 26 ["A copy of all arbitration agreements if any offered to NYC DOE employees as a condition of employment."]:

On July 1, 2022, NYCDOE stated Item 26 was denied because it was "not reasonably described." They stated, "It is unclear what records you are seeking."

Item 27 ["All responsive and relevant documents electronic and/or non-electronic of all workshops and trainings offered by the NYC DOE regarding diversity culturally responsive teaching and implicit racial bias between 2012 and present."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 27 — will be processed as records reflecting workshops and trainings offered by the DOE regarding diversity culturally responsive teaching and implicit racial bias between 2012 and present."

On September 23, 2023, Zakharia stated: "This letter is in final response to the Freedom of Information Law (FOIL) request referenced above. A diligent search for records has now been conducted. Additional responsive records have been located. A link to download our production of records for Items 14, 15, and 27 will be emailed to you separately."

Item 28 ["Please provide me with the job listing along with information about the time period it was made posted for the General Counsel position currently filled by Liz Vladeck between January and September of 2021."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 28 - job listing along with information about the time period it was made posted for the General Counsel position currently filled by Liz Vladeck between January and September of 2021."

On September 23, 2023, Zakharia wrote: "[R]egarding Item 28 of your request, no responsive records could be located."

No records can be found because someone appointed Vladeck specifically to this position without informing the public about the job. Clearly the best and most qualified person for the job was not chosen and to select a white woman who acts with reckless indifference to the federally protected rights of African Americans, is further signs of NYCDOE's racism and racial discrimination.

Item 29 ["Please provide documents containing Liz Vladeck's salary information as General Counsel for the NYC DOE."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 29 — will be processed as records reflecting Liz Vladeck's salary information as General Counsel for the NYC DOE."

On October 7, 2022, Zakharia wrote: "[T]he Division of Human Capital has provided information responsive to Item 29 of your request. Please be advised that Liz Vladeck's salary is \$220,000."

Item 30 ["Provide a copy of all responsive and relevant documents detailing the racial and gender makeup of all individuals who applied for NYC DOE teaching positions from January of 2012 to present."]:

On July 1, 2022, NYCDOE stated a search for records would be conducted for "Request item 30 — will be processed as data reflecting racial and gender makeup of all individuals who applied for NYC DOE teaching positions from January of 2012 to June 8 2022."

On September 23, 2023, Zakharia stated: "Please be advised that the NYC DOE's Division of Human Capital (DHC) has informed me that the data requested in Items 9, 30, and 34 of your request is not tracked in the manner requested."

Third Set of Requests:

Item 31 ["A copy of the OSI and/or OLR report filed against Mr. Marcus Washington by Jill Amott and/or P.S. 250 in or around August 2021. [I should not have to wait until December to receive this. I need this document as soon as possible since it was used as a pretext to terminate me.]"]:

On July 5, 2022, Zakharia stated: "because the records you have requested are likely to contain sensitive information and to ensure confidentiality we ask that you provide us with proof of your identity (i.e. a photocopy of a government issued ID that includes your name, photograph, and mailing address). If you do not provide us with the requested documentation by August 1 2022 you may be provided with no records or limited records with extensive redactions pursuant to Public Officers Law § 87(2)(b)."

On July 5 2023 I wrote to Natasha Beaufile: "Hi Natacha

I just received your e-mail and I amended my request last week (see e-mail below).

I am seeking any complaints investigations and final reports from OSI and OLR. I initially only wrote OSI. Thus the amended request is below:

31. A copy of the OSI and/or OLR report filed against Mr. Marcus Washington by Jill Amott and/or P.S. 250 in or around August 2021. [I should not have to wait until December to receive this. I need this document as soon as possible since it was used as a pretext to terminate me.]

32. A copy of any investigative report by OSI and/or OLR into allegations of corporeal punishment against Mr. Marcus Washington between August 2021 and May of 2022.

I just requested this document from Camille Blake [CBlake2@schools.nyc.gov] [the investigator for the DOE's Office of Special Investigations] and I shouldn't have to pay anything to see a record of a complaint filed against me. This is yet another document I should not have to pay for because it should have already been provided to me. Maybe you can reach out to her and ask her to send me the requested documents as soon as possible.

Below a copy of my drivers license is attached.

Best

Marcus Washington"

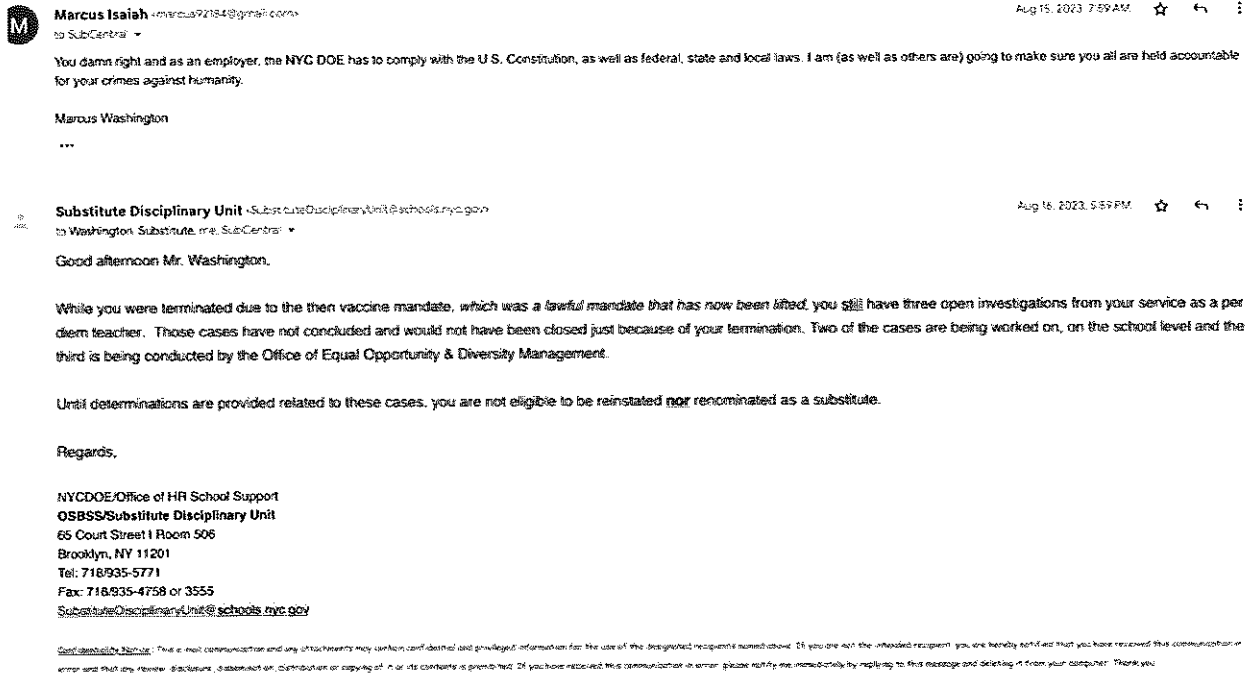
On July 6, 2022, I stated "The files I'm seeking pertain to cases NYC DOE OSI 21-02409X and 21-02396X."

On July 20, 2022, NYCDOE stated: "You further modified the above by email dated July 6 2022 where you wrote: The files I'm seeking pertain to cases NYC DOE OSI 21-02409X and 21-02396X."

On September 8, 2022, Zakharia wrote: "Regarding Item 31 of your request, which seeks OSI #21-02409X, I have been informed that OSI #21-02409X was created in error and has since been closed. Accordingly, such records do not exist."

On October 7, 2022, Zakharia wrote: "[P]lease be advised that your request to renew Items 13, 18, 25, 31, and 32 is denied."

On August 16, 2023, an unnamed employee of the NYCDOE's OSBSS/Substitute Disciplinary Unit informed Mr. Washington that he had three active complaints being investigated against him.



At no time during the pre-litigation stage has the NYCDOE claimed that there were three active complaints being investigated against Mr. Washington. I have never been given any information about these complaints nor have I been given the opportunity to refute the false allegations. This constitutes a violation of due process, which has continued at every stage since filing complaints with various organizations and institutions post-termination from P.S. 250 and subsequent termination from NYCDOE for refusing the harmful COVID-19 vaccine.

Item 32 ["A copy of any investigative report by OSI and/or OLR into allegations of corporeal punishment against Mr. Marcus Washington between August 2021 and May of 2022."];

On July 5, 2022, NYCDOE stated: "because the records you have requested are likely to contain sensitive information and to ensure confidentiality we ask that you provide us with proof of your identity (i.e. a photocopy of a government issued ID that includes your name, photograph, and mailing address). If you do not provide us with the requested documentation by August 1 2022 you may be provided with no records or limited records with extensive redactions pursuant to Public Officers Law § 87(2)(b)."

On July 5 2023 I wrote to Natasha Beauflis: "Hi Natacha

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32. A copy of any investigative report by OSI and/or OLR into allegations of corporeal punishment against Mr. Marcus Washington between August 2021 and May of 2022.

I just requested this document from Camille Blake [CBlake2@schools.nyc.gov] [the investigator for the DOE's Office of Special Investigations] and I shouldn't have to pay anything to see a record of a complaint filed against me. This is yet another document I should not have to pay for because it should have already been provided to me. Maybe you can reach out to her and ask her to send me the requested documents as soon as possible.

Below a copy of my drivers license is attached.

Best

Marcus Washington"

On July 6, 2022, I stated "The files I'm seeking pertain to cases NYC DOE OSI 21-02409X and 21-02396X."

On July 20, 2022, Zakharia stated: "You further modified the above by email dated July 6 2022 where you wrote: The files I'm seeking pertain to cases NYC DOE OSI 21-02409X and 21-02396X."

On September 8, 2022, Zakharia stated: "Regarding Item 32 of your request, which seeks OSI # 21-02396X, responsive records have been located. Please be advised, however, that access to records is denied pursuant to POL § 87(2)(e)(i), which permits government agencies to deny access to records that are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations. Because OSI # 21-02396X is an active investigation, access to records is denied."

On October 7, 2022, Zakharia wrote: "[P]lease be advised that your request to renew Items 13, 18, 25, 31, and 32 is denied."

On August 16, 2023, refer to Item32.

Fourth Set of Requests:

Item 33 ["[A]ll e-mails detailing there being a problem with the servers in or around the date my original document requests were due a deadline that was decided by your organization."]:

On June 28, 2022, I wrote to Alba Miosostis: "In you letter you stated you anticipated providing my with the requested documents by June 28 2022. The date has come and gone and I have not received anything."

In response, on June 29, 2022, Ann Macadangdang wrote: "The Unit is currently experiencing network/server issues" and that they would give me an update "[o]nce the technical issues [were] resolved."

On September 8, 2022, Zakharia stated: "With respect to your request for "all e-mails detailing there being a problem with the servers in or around the date my original document requests were due" (Item 33), please be advised that your request is not reasonably described pursuant to POL § 89(3)(a). A request reasonably describes records when the description provides sufficient ability, with reasonable effort, to launch an effective search to locate and identify the records sought. In this case, an effective search to locate and identify responsive records cannot be launched without the following clarification a discrete time frame and custodians."

On October 7, 2022, Zakharia stated: "Regarding Item 33 of your request, to the extent reasonably described, please be advised that this portion of your request will be processed as seeking email communication."

On December 16, 2022, Zakharia wrote: "A diligent search for records is ongoing, however, records have been located that are responsive to Item 33 of your request. Attached please find such records." Highly redacted e-mails from June 29, 2022 at 1:49PM and 2:18PM were provided showing NYCDOE employees discussing server issues.

Final Request:

Item 34 ["All e-mails between June 29 2022 and July 29 2022 noting that the servers were working properly again following a malfunction June 29 2022."]:

On September 23, 2023, Zakharia stated: "Please be advised that the NYC DOE's Division of Human Capital (DHC) has informed me that the data requested in Items 9, 30, and 34 of your request is not tracked in the manner requested."

NYCDOE's Attempts to Harmfully Delay the Production of Documents:

On May 27, 2022, NYCDOE stated: "With respect to items 1, 3, 4, and 8, a search for records will be conducted. **We anticipate providing you with a response by June 28, 2022.**" (emphasis added) "If responsive records are located and identified for release, you will be notified of the cost of reproduction." They also stated, "Any person denied access to a record may appeal the decision in writing within thirty days."

I have responded to each letter submitted by NYCDOE regarding my FOIL requests.

On June 8, 2022, I amended my first set of FOIL requests.

On June 29, 2022, I e-mailed Miosotis Alba stating: "In you[r] letter you stated you anticipated providing my with the requested documents by June 28 2022. The date has come and gone and I have not received anything. Can you please provide me with an update on the status of my first FOIL request?"

In response, on June 29, 2022, Ann Macadangdang, Esq. stated via e-mail: "The Unit is currently experiencing network/server issues. Once the technical issues are resolved we will be able to provide you with an update. Thank you[.]"

In response, I wrote to Macadangdang, Alba and Zakharia: "Ok. No [problem]. When should I expect to receive an update and/or the requested documents?"

On July 1, 2022, I wrote to Macadangdang, Alba and Zakharia: "With regards to my second FOIL request (see e-mail below) submitted on June 8 2022 I was supposed to have received a response by law within five business days and I never did. Please provide a response to this request by the end of the business day."

On July 1, 2022, Macadangdang stated via e-mail: "Good Morning Mr. Washington As you know technical issues prohibited an earlier update. However I understand that you will be receiving a letter shortly which also addresses your email below under the same reference number F19946."

I replied to Macadangdang: "No I am discussing two separate things. The documents for my first FOIL request were due on June 28th and were not delivered due to technical issues. In my response on June 8 2022 I sent an additional FOIL request and by law you were supposed to respond by five business days. That did not happen and technical issues have nothing to do with you being able to state which of my requests are being granted and/or denied."

Macadangdang replied: "We disagree with your construction below. I reviewed your June 8th correspondence which was sent to Ms. Alba together with the clarification. Your requests are being processed under the same reference number F19946. I

understand that you have since added two more additional items which will also be processed under the same number. As searches are completed you will be updated and provided with rolling response(s) prior to the anticipated response date where practicable. Note multiple factors contribute when records are ready for release. For example the size of a particular record may dictate the need to take longer to review. If there are records that are located that are less voluminous and review is completed those records may be produced to you well in advance of December. It depends on what gets located upon completion of the search. Therefore whether a record was first requested in May or in June may not necessarily dictate the date of production as other factors may affect processing time."

I replied to Macadangdang: "Thanks for the response Ann. If me adding additional document requests results in my initial FOIL request being delayed then they should not be grouped together as one FOIL request. They should be treated as separate FOIL requests so I could have started receiving all responsive documents for my initial request by the original due date of June 28th. There is a possibility that I may seek additional documents in the future and if my initial FOIL request is delayed because of that then that would defeat the law's desire to have the request fulfilled in a reasonable and timely manner. Since some of the documents should have been located and produced by the original due date I should not have to possibly wait weeks or months to receive the documents requested from my initial request especially stats regarding the racial and gender makeup of the NYC DOE's teaching workforce. That information should be maintained in part in any of the EEO-1 reports you all have to keep records of each year no? Thus I am requesting that you send all responsive documents that have been located from my initial request by Friday July 10 2022 as well as separate each additional FOIL request that I submit in the future." and submitted FOIL request items 31 and 32.

On July 1, 2022, NYCDOE replied to my second FOIL request. They stated, "Pursuant to Section VI.C of DOE Chancellor's Regulation D-110 (CR D-110) please be advised that additional time is needed to respond to the remainder of your request. Factors to be considered under CR D-110 in determining whether there exist circumstances necessitating more time to respond to a request may include but are not limited to "[1] the volume of a request [2] the ease or difficulty in locating retrieving or generating records [3] the complexity of the request [4] the need to review records to determine the extent to which they must be disclosed and [5] the number of requests received by the agency."

They also stated, "With respect to factors 1 and 3 you have significantly broadened the scope of your request and some items such as 14 present a complexity that is atypical which may require the need to utilize document review software. With respect to factor 2 you have requested records of multiple DOE offices and/or schools. With respect to factor 4 if records are located they will be reviewed pursuant to Public Officers Law to determine if any record or portion of records are exempt from disclosure. With respect to factor 5 at the time you made your request many other FOIL requests were already pending many of which involved multiple factors or all of the factors cited above."

"To that end **a response is anticipated for December 15 2022.** You may wish to reduce the scope of your request to those items that are of a priority interest to you in order for RAU to be able to address those items in a shorter timeframe than the current anticipated response date. Otherwise RAU to the extent practicable will continue to issue partial responses to you on a rolling basis prior to the anticipated response date as a search for records concludes. An update will be provided to you in this regard by August 31 2022." (emphasis added)

Zakharia Iso wrote: "Any person denied access to a record may appeal the decision in writing within thirty days. Please note, however, that this is a partial response to your request. Your time to file an administrative appeal will not begin until the final production of responsive records. At that time, you will be given the contact information of this agency's Records Access Appeals Officer, to whom you may direct an administrative appeal if you wish to submit one."

That same day, I replied via e-mail to Anthony Zakharia: "I will respond formally by Tuesday but I am unsure if you are now saying all documents requested will be due by December 15, 2022 or if that date pertains to the documents sought in my second FOIL request. Any documents that you have with regards to my initial FOIL request that were due on June 28, 2022 can be submitted to me now particularly the teacher demographic information."

On July 2, 2022, I stated in an e-mail to Ann Macadangdang: "... Since some of the documents should have been located and

produced by the original due date I should not have to possibly wait weeks or months to receive the documents requested from my initial request especially stats regarding the racial and gender makeup of the NYC DOE's teaching workforce. That information should be maintained in part in any of the EEO-1 reports you all have to keep records of each year no? Thus I am requesting that you send all responsive documents that have been located from my initial request by Friday July 10 2022 as well as separate each additional FOIL request that I submit in the future.

On July 5, 2022, NYCDOE stated in response to third FOIL request: "**A response is still anticipated for December 15 2022** and RAU to the extent practicable will continue to issue partial responses to you on a rolling basis prior to the anticipated response date as a search for records concludes. An update will be provided to you in this regard by August 31 2022." (emphasis added)

On July 20, 2022, NYCDOE stated: "A response is still anticipated for December 15, 2022 and RAU, to the extent practicable, will continue to issue partial responses to you on a rolling basis prior to the anticipated response date as a search for records concludes. An update in this regard is still scheduled by August 31, 2022."

On that same day, I wrote to Dana Nieves: "Thanks for the response. I am still awaiting to receive the documents from my initial request, which were due weeks ago. Are you all still experiencing technical difficulties? Marcus"

On July 21, Nieves wrote: "Good Morning, Please note this is in regards to FOIL #F19,946. This request was submitted via FOIL inbox on May 20, 2022."

In response, on the same day, I wrote: "I'm not understanding why you sent me the same document from July 20th? I replied and asked you a question to which was not answered. Please let me know when I should expect to start receiving the requested documents that are passed due? Marcus"

On July 22, 2022, I submitted a letter to Zakharia, Beauflis, Albaand Macadangdang. As of October 25, 2022, I am realizing that I attached the wrong document to the e-mail and resent the same July 20, 2022 letter that Zakharia sent me. The document that was supposed to be attached was the June 20, 2022 letter containing my notes in red. **See Exhibit A.**

On July 22, 2022, Dana Nieves responded: "As per the attached letter dated, July 20, 2022. A response is still anticipated for December 15, 2022 and RAU, to the extent practicable, will continue to issue partial responses to you on a rolling basis prior to the anticipated response date as a search for records concludes. An update in this regard is still scheduled by August 31, 2022. Thank you."

On August 2, 2022, I replied to Zakharia, Beauflis, Albaand Macadangdang: "No, the deadline for my first set of requests is passed due and all responsive documents need to be produced now."

On August 19, 2022, I wrote to Zakharia, Beauflis, Albaand Macadangdang: "Do I now need to get the courts involved? A response for my initial request is not due by December 15, 2022 because many of those documents were scheduled to be produced last month. I have repeatedly asked if the servers are still down since that was the reason given for not being able to deliver the documents on time. If I don't hear anything back, I will have to get the court involved."

On September 2, 2022, I wrote to Nieves: "I did not receive an update by you on or before August 31, 2022. This is the second time you all have set forth a deadline and have no been able to meet it. Any company that adamantly claims to be non-racist and/or is complying with our nation's anti discrimination laws should have a lot this information readily available. Is your system still down? That question has never been answered since one of you told me that. To confirm this information, I want to add an additional FOIL request to see all e-mails detailing there being a problem with the servers in or around the date my original document requests were due, a deadline that was decided by your organization? Per your e-mail below, please provide me an update regarding my FOIL requests."

On September 8, 2022, Zakharia wrote: "Please be advised that a response is still anticipated for December 15, 2022 and RAU, to the extent practicable, will continue to issue partial responses to you on a rolling basis prior to the anticipated response date as a search for records concludes. An update in this regard is still scheduled by October 7, 2022."

On October 8, 2022, I wrote: "I just want to note that since May 20, 2022, the NYC DOE has been able to produce 1 document (Jill Amott's resignation letter) pertaining to my numerous FOIL requests. Also, if this resignation was sent via e-mail, I want to see when the e-mail was sent (date and time). Stop playing with me Alba."

On December 16, 2022, Zakharia wrote: "With respect to the remainder of your request, please be advised that additional time is needed to respond. Pursuant to Section VI.C of New York City Department of Education (DOE) Chancellor's Regulation D-110 (CR D-110), factors to be considered under CR D-110 in determining whether there exist circumstances necessitating more time to respond to a request may include, but are not limited to: '[1] the volume of a request, [2] the ease or difficulty in locating, retrieving or generating records, [3] the complexity of the request, [4] the need to review records to determine the extent to which they must be disclosed, [and 5] the number of requests received by the agency.' You were previously informed that factors 1 through 5 cited above were applicable. At this time, additional time is needed to respond and factors 1 through 5 continue to apply. Specifically, the scope your request, as well as multiple modifications, presents a complexity that is atypical, requiring multiple levels of review and the utilization of eDiscovery software. Accordingly, a response to your request is anticipated by March 16, 2023."

On December 19, 2022, I replied: "Where are the rest of the documents? Marcus"

On January 17, 2023, I wrote, in part, to Macadangdang and Nieves: "Also, after reading the Teachers Agreement between the UFT and NYC, Article 21 further supports that many of the documents I requested, particularly the complaints filed against me by Amott, must be produced."

You all are also falsely stating that you can't produce the complaint because on on-going investigation is occurring with the NYPD. I contacted the NYPD and there is no active and/or on-going investigation being pursued against me. Also, if your claim was true, why did the SCI investigator say that my case was closed on November 3, 2021???? Can you say withholding evidence and obstruction of justice?!"

A screenshot of a forwarded e-mail from my UFT rep showing that the investigation had been closed was attached. I concluded the e-mail with: "Send me a copy of this complaint no later Friday, January 20, 2023 or each one of you denying me access to these documents will be named in my pending complaint against the NYC DOE."

On February 10, 2023, I wrote to Nieves: "I am giving yo[u] notice that you have failed to respond to my request in the appropriate amount of time, as mandated by the law. Please acknowledge my request and respond accordingly."

On March 16, 2023, Zakharia stated: "Additional time is needed to respond to your Freedom of Information Law (FOIL) request.... You were previously informed that factors 1 through 5 cited above were applicable. At this time additional time is needed to respond and factors 1 through 5 continue to apply. Specifically, the scope your request, as well as multiple modifications, presents a complexity that is atypical, requiring multiple levels of review and the utilization of eDiscovery software. Accordingly, **a response to your request is anticipated by April 26, 2023.**" (emphasis added)

On March 22, 2023, I responded to Zakharia and Beauflis: "As stated previously, responsive e-mails to many of my FOIL requests should have been retrieved and delivered by this time given that I submitted my initial requests 10 months ago on May 20, 2022. You've lied repeatedly in the past and I'm sure your statements in this letter are also untrue. Either way, legal action will be taken very soon against the NYC DOE and all employees that have conspired to violate the law and obstruct justice. Hope it was worth it! 🍌 Mr. Washington"

In a second e-mail dated March 22, 2023, I wrote: "Also, which FOIL request is this in response to? The one request (No. 34) I submitted on January 17, 2023? If so, Section VI.C of New York City Department of Education (DOE) Chancellor's Regulation D-

110 (CR D-110) is not applicable here and there is absolutely no reason why you would need extra time to provide me with 'All e-mails between June 29 2022 and July 29 2022 noting that the servers were working properly again following a malfunction June 29 2022.' Best, Mr. Washington"

On June 15, 2023, NYCDOE submitted spreadsheet for Item 8. Zakharia stated: "Please be advised that a search for records is ongoing and that additional time is needed to respond to the remainder of your request pursuant to Section VI.C of DOE Chancellor's Regulation D-110 (CR D-110). Factors to be considered under CR D-110 in determining whether there exist circumstances necessitating more time to respond to a request may include, but are not limited to, "[1] the volume of a request, [2] the ease or difficulty in locating, retrieving or generating records, [3] the complexity of the request, [4] the need to review records to determine the extent to which they must be disclosed, and [5] the number of requests received by the agency." With respect to factor 2, additional time is needed to locate and retrieve records. With respect to factor 4, responsive records will be reviewed pursuant to Public Officers Law § 87(2) to determine if any record or portion of records are exempt from disclosure. Accordingly, **a response is scheduled for August 21, 2023.**" (emphasis added)

In response, on June 16, 2023, I stated to Natasha Beaufils via e-mail:

"I definitely submitted a revised Item 1 and you need to review your records.

I want an expedited final determination pertaining to each item no later than June 30 2023. You have had a year to produce documents that are only in your possession and you are violating the law by refusing to do so. I am in the final stages of drafting my notice to inform you and your co-conspirators that I will be taking legal action against you all for conspiring to violate the law and deprive me of my unalienable hue-man constitutional and civil rights.

I'm tired of the games. You've wasted enough of my time and the only back and forth I want to do with you all now is before a judge and a jury.

Marcus Washington"

On August 15, 2023, I stated to Beaufils: "Where the fuck are my documents?! You all have played with me for far too long. Now you will regret it when I personally sue your dumb ass!

Marcus"

After I received the NYCDOE's final submission, I responded to Zakharia on October 3, 2023: "Thanks for sending me a bunch of nothing. However, I am still waiting on the documents, specifically ones detailing the racial composition of NYCDOE's student body and workforce, as well as copies of the three complaints against me (I am now being told) that are allegedly still being investigated by the NYCDOE, in addition to documents for the other FOIL requests made. Also, the document purporting to contain all of the e-mails sent between Amott, Rosecindy to myself is not complete and doesn't contain the e-mails I sent during the Summer Rising program. Those e-mails also need to be forwarded to me. I have already filed a complaint in federal court against the NYCDOE. It will take nothing for me to add your name if you want to keep violating and obstructing justice."

According to the University of Buffalo, "The agency has 5 days to acknowledge your FOIL request. At that point, the agency is required either to grant or deny your request or to give you a specific date in the future when they will decide whether to grant or deny it. This date must be within a 'reasonable period.'" Although the NYCDOE stated they would provide me a response within a month of me submitting my first set of FOIL requests, this date was expanded to six months and nearly seventeen months later, these documents still have not been produced. [pg. 3.]

Additionally, even if information fell within an exemption, the NYCDOE should redacted the exempted information and gave me the rest of the document.

Summary of Item Requests Attempted to be Fulfilled by NYCDOE as of October 17, 2023:

Items: 8, 14, 15, 20, 27

Summary of Item Requests Still Unfulfilled:

Items 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34.

Why the NYCDOE's Decisions Are Erroneous:

According to Public Officers Law [section] 84, "A free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government." It is because of the FOIL's overarching purpose of making agency records available to the public that courts narrowly construe exemptions in favor of disclosure.²

Items 1-2: NYCDOE incorrectly believes that it doesn't have to maintain and/or provide me with requested EEO-1 data, which is required by federal law for employers to maintain.

Item 3: On October 7, 2022, Zakharia stated: "With respect to your email sent on September 9, 2022 that seeks to modify items of your request, please be advised as follows: You seek to expand Item 3 of your request to include total number of NYC DOE employees, with a breakdown of teachers specifically, that were no longer allowed to work due to not receiving the COVID-19 vaccine. This will be processed as Item 34 of your request." This is not possible because Item 34 sought e-mails pertaining to the server allegedly being down in or around the time documents were supposed to be produced.

Item 4: The NYCDOE conducted a massive layoff of its workers and has no record of the racial makeup of the employees who lost unjustly lost their jobs? The NYCDOE has a legal obligation to determine if its policies create a disparate impact against historically disadvantaged groups so how would they know if they are not keeping record of this important statistical information.

Item 5-7: Even if searching for records from 2000 to 2022 is too long of a window, all responsive records in the last few years must be produced since the NYCDOE is one of the most racially segregated school districts in the U.S.³

Item 29: Writing Vladeck's salary does not constitute a fulfillment of a FOIL request. Actual documents must be produced detailing Vladeck's salary.

Items 31-32: Withholding copies of complaints made against me is a violation of due process. I've never been allowed to refute or respond to any of the bogus allegations made against me and the NYCDOE are using these frivolous complaints as a pretext to justify my unlawful termination. There is a reason why the NYCDOE refuses to produce these documents and if they had nothing to hide, they would've already been produced by now. No law enforcement agency is conducting an investigation into me or any complaints filed against me while I was employed by the NYCDOE. This is a blatant lie to prevent me from having access to these documents. Even if they were, I am still entitled to see the complaints made against me and to be given the opportunity to defend myself against any allegations made against me.

² See *Newsday Inc. v Empire State Development Corp.*, 98 N.Y.2d 359, 362 (2002).

³ Chris Mansa LaPorte and Hana Porter. "Racial Equity in NYC Public Schools: Where Brown v. Board Still Falls Short." ICAAD. August 3, 2021. [https://ed.stanford.edu/news/new-segregation-index-shows-american-schools-remain-highly-segregated-race-ethnicity-and#:~:text=Three%20large%20school%20districts%20-%20LAUSD,average%20levels%20from%201991%20to%202020](https://icaad.ngo/2021/08/02/racial-equity-in-nyc-public-schools-where-brown-v-board-still-falls-short/#:~:text=the%20United%20States%20The%20New%20York%20City%20Department%20of%20Education%20(DOE)%20is%20the,access%20due%20to%20institutionalized%20racism; See also 'New 'Segregation Index' shows American schools remain highly segregated by race, ethnicity and economic status.' Stanford Graduate School of Education. May 17, 2022. <a href=)

Item 34: The reason provided is insufficient. Just as there are emails from employees saying that the server was down, there has to be emails from someone in IT informing employees that the problem was fixed. Those e-mails must be provided. This will further demonstrate how honest you've been this entire time.

For the Items not discussed, no comment is really necessary. Each of the Items requested were Each one of my requests were specific and targeted. The documents must be produced and since most are in preserved in electronic form, they must be produced in the same manner as the five Items you've attempted to fulfill.

Notice of Unethical and Criminal Attorney Conduct:

Not only is Vladek conspiring with the NYCDOE to flout our nation's antidiscrimination laws, she's conspiring with the institution to prevent it from complying with FOIL.

Vladek and team are unjustly enriched to help the NYCDOE flout our nation's antidiscrimination laws. At this point, it cannot be disputed that the NYCDOE has been maintaining a racially segregated workforce and student population for decades, in violation of Brown v. Board of Education (1954) and various federal, state and local civil rights laws. The historical and statistical evidence has and cannot be disputed.

I initiated a request for documents via FOIL due to the fact that in Vladek's May 9, 2022 opposition to the EEOC, she denied all claims without refuting any of the evidence establishing violation of the Brown and the Civil Rights Act of 1964 before, during and after my employment, stated that my termination was lawful, etc. while failing to meet her heightened burden of production. Based on the historical and statistical evidence provided, you cannot refute my claims that the NYCDOE is a racist institution and is purposefully miseducating citizens for decades by maintaining a predominately white workforce and promoting a Eurocentric, white-controlled curriculum that's based on many lies and falsehoods.

The NYCDOE hired Vladek without making this position available to the public because based on her experience under the DeBlasio administration, it was clear that she is pro-vaccine and lacks a conscience, so she would have no problem supporting the NYCDOE's vaccine mandates and efforts to allow kids to receive the vaccine without their parent's consent.

Vladek refused to produce documents because she wanted to intentionally wanted to deceive the finder of fact by making misleading and deceptive statements. A page taken out of the playbook of most employers challenging claims of employment discrimination. You cannot refute my claims that the NYCDOE is one of the most racially segregated school districts in the nation. You cannot refute my claim that that there is a dearth of African American male teachers employed by the NYCDOE due to ongoing racial discrimination in employment and that I was the only African American male employed in a teaching capacity at P.S. 250 and most schools I worked at over a five year period.

NYCDOE's lead attorney, Liz Vladeck, as well as her colleagues including but not limited to attorneys Anthony Zakharia and Macadangdang, Esq., are engaging in unethical attorney misconduct and violating federal and state law concerning FOIL and additional laws by withholding evidence that is clearly producible via the statute.

Unsurprisingly, upon information and belief, Vladeck, Macadangdang, Beaufils and Zakharia are all non-black.

You and your colleagues are aware that as licensed attorneys, your behavior is regulated by not only the New York Rules of Professional Conduct, but also New York Judiciary Law [section] 487 and additional laws. Highly unethical conduct. Obstructing justice. Withholding key evidence that is solely in the NYCDOE's possession. You all are doing whatever possible to harmfully delay a resolution in this case. It cannot be disputed that not only did Amott violate my constitutional right to due process, but so did the NYCDOE and UFT with regards to their investigation of the student-led complaints, as well as my complaints regarding my unlawful termination from both P.S. 250 and the NYCDOE. If what you claim is true, then produce the documents so I can withdraw claims that have no merit. Violating New York Judiciary Law 487 and New York Rules of Professional Conduct. Obstructing justice and engaging in fraud.

You all are paid through taxpayer funds and are being unjustly enriched to engage in conspiracy and commit other crimes on NYCDOE's behalf. Regardless of the outcome of this appeal, a lawsuit has already been filed against the NYCDOE, DOE, UFT, Liz Vladeck and many others in federal court for intentional violations of our nation's civil rights laws, conspiracy and other causes of action. If the documents are not produced here, they will be produced during discovery. If need be, I will also file an Article 78 petition in NY state court concerning this matter, and hold you all accountable for intentionally violating the New York Rules of Professional Conduct, New York Judiciary Law § 487 and additional statutes that if found guilty, will result in being disbarred.

The fact that you think you can keep these statistical records away from the African American community and public at large is a testament to your flagrant disregard for the law.

Vladeck is being paid more than \$200,000 in taxpayers' money to help the NYCDOE maintain racially segregated schools, flout our nation's antidiscrimination laws and help push for unconscionable vaccine mandates in an effort to cause short and long term health problems to recipients.

To further demonstrate how far off center Vladek and the NYCDOE is and has always been, on September 19, 2023, an article was published by the Gothamist stating that "New York City would hire a diversity monitor, tasked with confronting persistent segregation in the public school system under a measure pending in the City Council." The article then stated, "Legislation creating the position, which would reside in the city's Human Rights Commission, was the subject of a Tuesday hearing on a slate of bills with anti-racism themes, aimed at addressing existing racial inequities as well as confronting the city's history of enslavement and racial segregation." To make this seem like a figment of my imagination in 2023 is beyond ridiculous and you should not be able to practice law, especially in the realm of civil and human rights.

Conclusion:

In conclusion, for the following reasons discussed above, I am appealing the NYCDOE's decisions and request that the department produce any responsive documents promptly. A response is required within ten business days and you must either explain in writing the reasons for further denial or provide access to the records. To the extent that records are available in electronic format (ideally in an electronic spreadsheet or comma-separated format (Excel or CSV)), I request that they be provided in that format. If any records are unavailable within ten business days of receipt of the request, and responsive records exist, I would like to receive a description of such records and a timeline of when access to the records will be provided. If you determine that certain parts of this request may be more easily produced than others, I am amenable to discussing a production schedule for records that will take longer to produce. If you have any questions, you can contact me at washington.marcusisaiah@gmail.com.

Best,

Marcus Washington

Exhibit K

Thanks,

Mr. Washington

From: Washington Marcus
Sent: Thursday, July 29, 2021 7:48 AM
To: Budhu Michael <MBudhu@schools.nyc.gov>
Subject: Cellphone Usage During Class

Hi,

Yesterday went pretty well as far as the students are concerned.

I was shocked to discover that this class had so many "helpers." A counselor, two interns and another person. I believe there are five students in this class at most.

The entire day, they sat in the back of the classroom and stayed on their phones. I didn't say anything about it but I just spoke to one intern who is here now. Is it possible for you or someone other than myself to have a conversation with the rest of them about not being on their phones while at work in front of the students? It sets a pretty bad example, especially when many children would rather be on their devices than listening to a teacher teach.

Thanks in advance,

Mr. Washington



Marcus Washington <marcuslutherx@gmail.com>

Fw: Cellphone Usage During Class

Washington Marcus <MWashington17@schools.nyc.gov>
To: "marcuslutherx@gmail.com" <marcuslutherx@gmail.com>

Tue, Aug 3, 2021 at 7:49 PM

From: Washington Marcus <MWashington17@schools.nyc.gov>
Sent: Monday, August 2, 2021 11:55 AM
To: Budhu Michael <MBudhu@schools.nyc.gov>
Subject: Re: Cellphone Usage During Class

Hi,

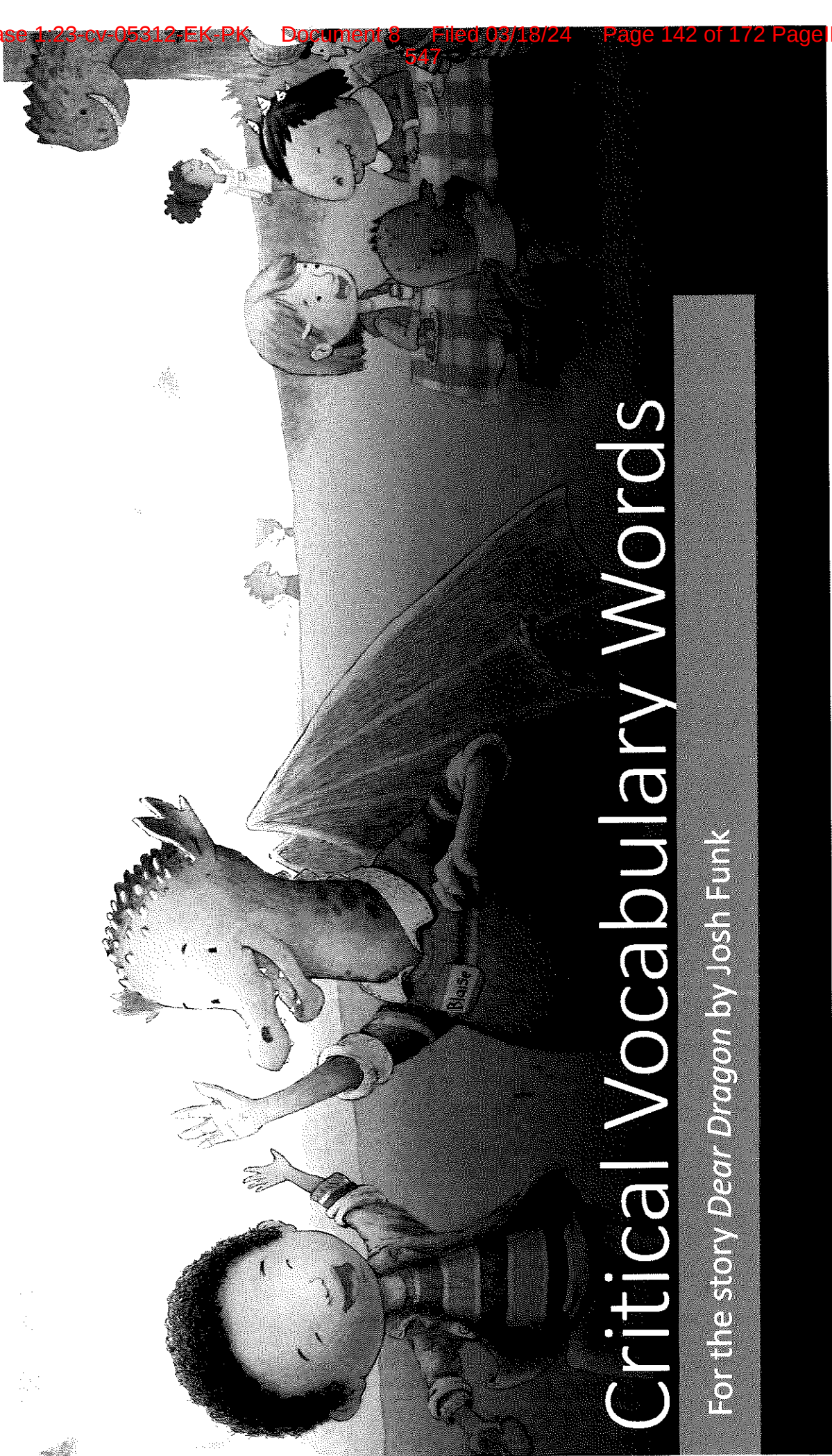
I want to follow up with you about my e-mail from last week since I never received a reply and this issue is still on-going.

This morning, I communicated to the two interns (names unknown) that they should not be on their cellphones during class. I spoke to the male intern last week about it and today, he literally brought a remote controller and was playing a video on his phone after 8am. I also asked him to put that away. I told him that it's unfortunate that he has nothing to do, but that problem is out my control. When you, and later Mrs. Amott and Mrs. Seigel, came into the classroom, they were not on their phones only because of the conversation I had with them.

A third intern (name unknown) came into the room around 11am, and she immediately started using her phone with headphones in her ear. I asked her to put it away and the lady from the after school program (name unknown in blue shirt and colorful hair) asked, "Why?" I explained that we are in a classroom, I'm teaching and if anyone from administration walked into the room like earlier (she was not present) and saw that, it would look bad on me. She said that in the past, when Mrs. Clarke was the teacher, administrators walked in and saw them on their phones and said nothing. I said, either way, the phones have to be put away. A few minutes later, the afterschool rep and the intern were on their phones and they are still on their phones as I'm writing this email. I told her I would talk to administration about it and she said I didn't have to. I explained that I still would.

It is very frustrating to watch and if I cannot be on my phone, they should not be as well. This is not something I should have to explain to anyone, especially people working inside of a classroom with young children. There really isn't a need for that many people (5 non-teachers) to be in here since they aren't helping me teach. Can someone from administration or Mr. Glen speak to them about this issue and possibly move some of them to other classrooms where they can be better utilized?

Exhibit L



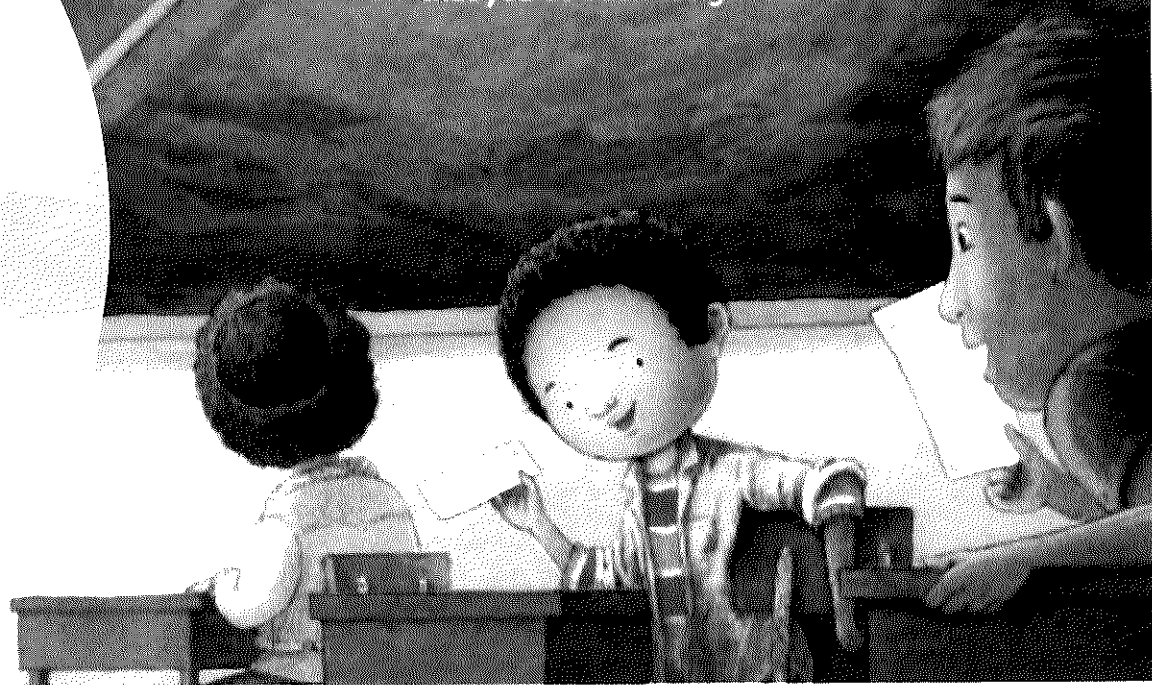
Word List:

- Projects
- Assigned
- Mosaics
- Retains
- Precious
- Demolition

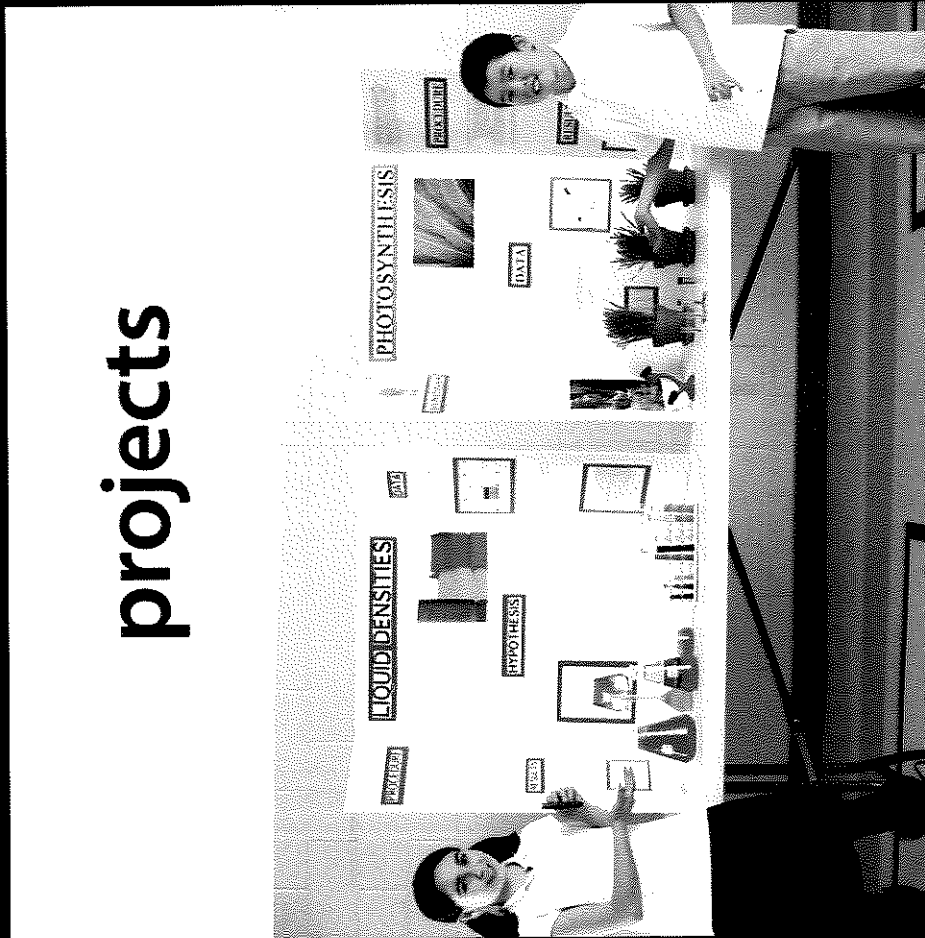
Hello, students!

Our poetry and pen pal projects
this year are combined.

Upon your desks you'll see the pen pals
that you've been assigned.



projects



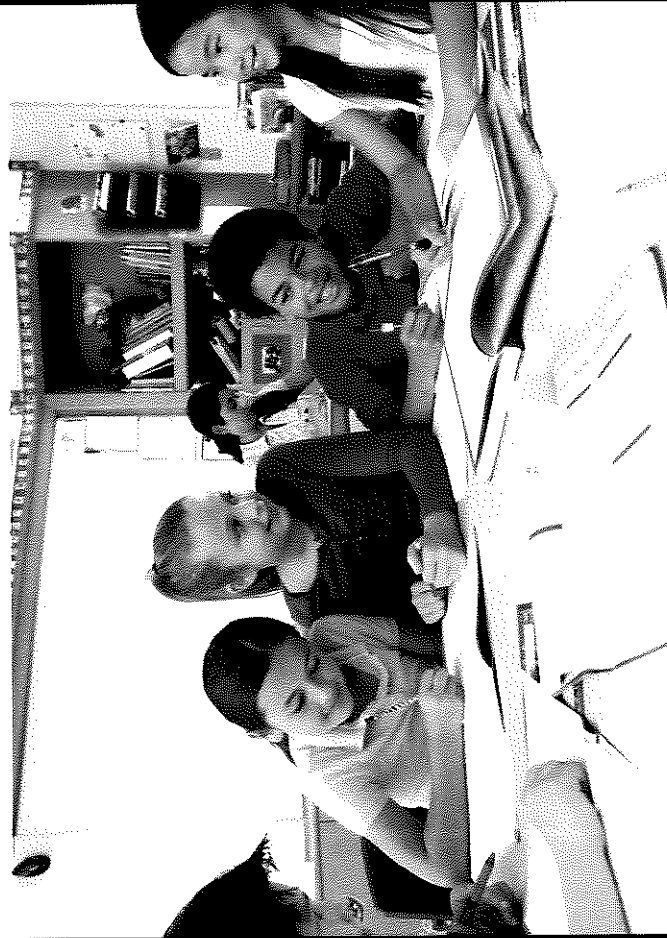
proj • ects (n.)

Projects are tasks that take time and effort to complete.

- ① Read the word and its meaning above.
- ② Read this sentence: *The students presented their **projects** at the science fair.*
- ③ Use the word **projects** in your own sentence.
- ④ Brainstorm other words that come to mind when you hear the word **projects**.

COLLABORATIVE DISCUSSION Discuss your favorite school **projects** with your group. What **projects** have your group members completed recently? What kinds of **projects** do your friends enjoy doing, and why?

assigned



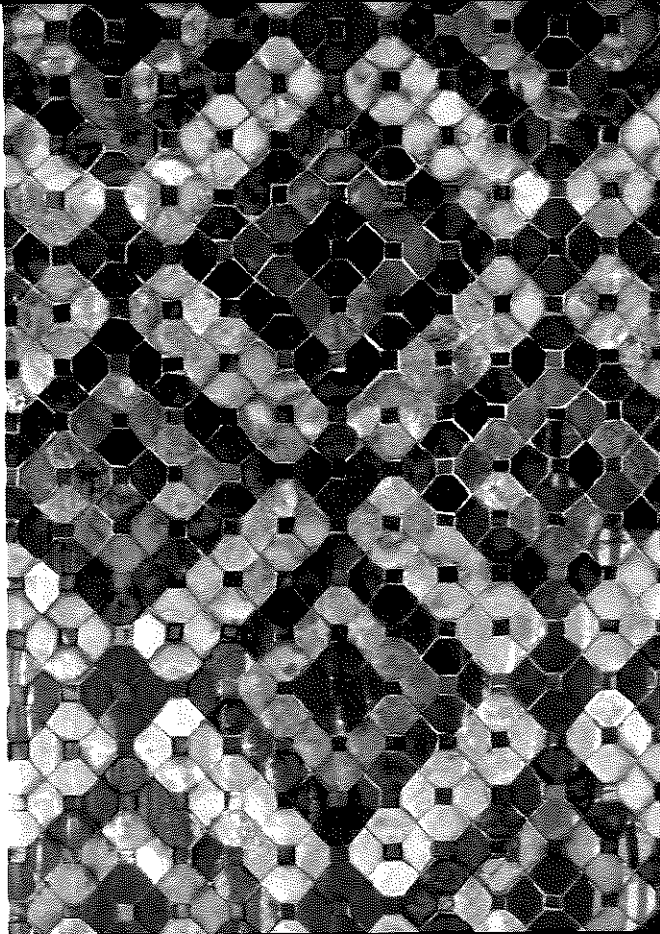
as • signed (v.)

If someone **assigned** a task to you, he or she gave you some work to do.

- ① Read the word and its meaning above.
- ② Read this sentence: *The teacher **assigned** a lesson for us to complete together.*
- ③ Use the word **assigned** in your own sentence.
- ④ Brainstorm other words that come to mind when you hear the word **assigned**.

COLLABORATIVE DISCUSSION Talk to your partner about the schoolwork you have been **assigned** this week. *How does your partner feel about the work he or she has been **assigned**? What chores are you **assigned** to do at home? What chores is your partner **assigned** to do at home?*

mosaics



mo • sa • ics (n.)

Mosaics are pictures or patterns made from smaller pieces of glass, stone, or other materials.

- ① Read the word and its meaning above.
- ② Read this sentence: *We saw the brightly colored **mosaics** on the wall.*
- ③ Use the word **mosaics** in your own sentence.
- ④ Brainstorm other words that come to mind when you hear the word **mosaics**.

COLLABORATIVE DISCUSSION Talk to a group about **mosaics** you have seen. *Where did you see **mosaics**, and what did they look like? What materials were used to create the **mosaics**? What materials and patterns would you use if you could create **mosaics**?*

retains



re • tains (v.)

If someone **retains** something, he or she has something and keeps it.

- ① Read the word and its meaning above.
- ② Read this sentence: *Martia **retains** the award she won from the spelling bee contest.*
- ③ Use the word **retains** in your own sentence.
- ④ Make a list of synonyms and antonyms for the word **retains**.

COLLABORATIVE DISCUSSION Discuss **retains** with a group. Make a list of things that your family **retains** and things they give away. *Why do you retain certain things? What might a person retain for many years and eventually pass on to a family member?*

precious



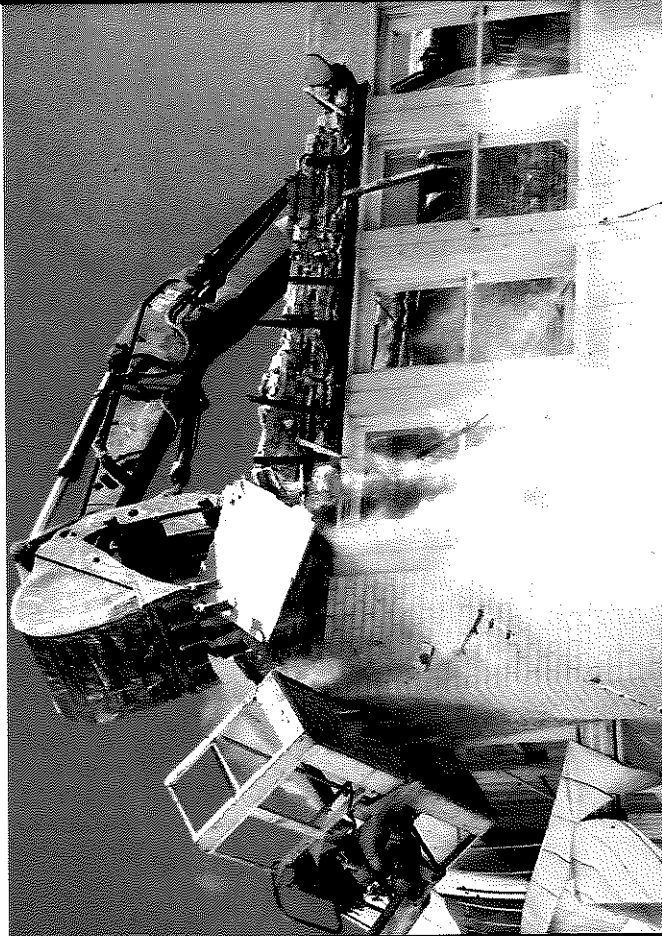
pre • cious (adj.)

*If something is **precious** to you, it is important or valuable to you.*

- ① Read the word and its meaning above.
- ② Read this sentence: *Julia's doll was **precious** to her because she received it from her mother on the day she was born.*
- ③ Use the word **precious** in your own sentence.
- ④ Make a list of synonyms and antonyms for the word **precious**.

COLLABORATIVE DISCUSSION With a partner, talk about the things that are **precious** to you. *What makes these things **precious**? Can people be **precious** to you? If so, what qualities make a person **precious** to you?*

demolition



dem • o • li • tion (n.)

If you work in **demolition**, your job is to tear down or destroy buildings.

- ① Read the word and its meaning above.
- ② Read this sentence: *The **demolition** of the old building is happening now.*
- ③ Use the word **demolition** in your own sentence.
- ④ Make a list of synonyms and antonyms for the word **demolition**.

COLLABORATIVE DISCUSSION With a partner, think of a **demolition** you have seen in real life or in a movie. Then discuss these questions: *What are some examples of things that need **demolition**? Why do people work in **demolition**? What machinery do you think is used for **demolition**?*

Review of Long and Short Vowels

Module 2, Week
3, Lesson 11

Review of Short Vowels:

a	e	i	o	u
p <u>a</u> n	b <u>e</u> d	l <u>i</u> p	n <u>o</u> t	r <u>u</u> n

Review of Long Vowels:

a	e	i	o	u
<u>same</u>	<u>scene</u>	<u>life</u>	<u>nose</u>	<u>flute</u>
<u>pay</u>	<u>me</u>	<u>pie</u>	<u>low</u>	<u>tune</u>
<u>aim</u>	<u>seeing</u>	<u>fly</u>	<u>oat</u>	<u>June</u>
<u>great</u>	<u>bean</u>	<u>high</u>	<u>coldest</u>	
<u>eight</u>	<u>key</u>		<u>toe</u>	
	<u>funny</u>		<u>though</u>	

Guided Practice:

Decoding 2.11

Blend and Read

Review Short and Long Vowels

Vowels can make short vowel sounds or long vowel sounds.

- | | | | | |
|---|------|--------|----------|----------|
| ① pan | pain | paint | painting | panting |
| ② led | lead | leader | meter | meeting |
| ③ high | lie | fly | shine | shin |
| ④ box | bow | bone | moan | most |
| ⑤ fussy | fuss | fuse | refuse | refusing |
| ⑥ Should we take the sailboat or the rowboat on our trip to the lake? | | | | |

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Independent Practice:

Work with a socially-distanced partner to complete Know It, Show It page 45.

Decoding

Name _____

Review Short and Long Vowels

☑ Read each sentence. Identify the vowel sound in the boldfaced word. Underline the letter or letters that make the vowel sound in the word. Circle the vowel sound below the sentence.

1. It's a good day to fly a **kite**.
short *i* long *i* short *e* long *e*
2. How much does that pumpkin weigh?
short *e* long *a* long *e* long *i*
3. Kim and I are **best** friends.
short *e* long *e* short *a* long *a*
4. That was a **huge** thunderstorm!
short *e* short *u* long *e* long *u*
5. Please go to the store to get some **milk**.
short *e* short *a* long *e* short *i*
6. Lia **reached** out to catch the ball.
short *e* long *a* long *e* short *a*
7. You need a heavy **coat** on this cold morning.
short *o* long *o* short *a* long *a*
8. That is the correct **answer**.
short *i* long *e* long *a* short *a*
9. Fireworks **shot** into the sky.
long *o* short *o* long *a* short *e*
10. I **must** get home before three o'clock.
short *u* long *u* short *a* long *a*



Critical Vocabulary Words


MODULE 5, WEEK 1, LESSON 1

Learning Objectives:

I CAN...

1. Identify real-life connections between words and their use, and
2. Use newly-acquired vocabulary expressively.

Critical Vocabulary Words:

1. URBAN
 2. HUMBLE
 3. PLOTS
 4. ALTERNATIVE
 5. TRANSFORM
 6. ARTIFICIAL
 7. YIELD
 8. INFLUENCE
- 

Definitions:

1. URBAN: (adjective) of, relating to, characteristic of, or constituting a city.

2. HUMBLE: (adjective) not proud; not thinking of yourself as better than other people.

3. PLOTS: (noun) small sections of land that are used for a certain purpose.

4. ALTERNATIVE: (adjective) offering or expressing a choice that can take the place of place of something.

Definitions:


5. TRANSFORM: (verb) to change in composition or structure; to change the outward form or appearance of; to change in character or condition.


6. ARTIFICIAL: (adjective) created by humans rather than by nature.

7. YIELD: to produce or provide (something, such as a plant or crop) or to produce (something) as a result of time, effort, or work.

8. INFLUENCE: (noun) the power or capacity of causing an effect in indirect or intangible ways.

Guided Practice:

1. What might you use plots for?
 2. If you could transform into something, what would you transform into?
 3. What could a garden yield?
 4. Would you want to eat artificial fruits and vegetables? Why or why not?
 5. Discuss ways that people can influence others.
- 

<p>1. Write the word:</p> <p>DEMOLITION</p>	<p>2. Definition:</p> <p>(noun) the event in which something is torn down or destroyed.</p>
<p>3. Use the word in a sentence:</p> <p>The old factory that was inactive for 10 years is scheduled for <i>demolition</i> next week.</p>	<p>4. Draw a picture:</p> 

Independent Practice:

Directions: Select two Module 5, Week 1 vocabulary words and create two, separate FourSquare Maps. See example to the right.

Exhibit M



Marcus Washington <marcuslutherx@gmail.com>

Fw: 5AT

Washington Marcus <MWashington17@schools.nyc.gov>
To: "marcuslutherx@gmail.com" <marcuslutherx@gmail.com>

Tue, Aug 10, 2021 at 7:50 AM

From: Cruz Jeremin <JCruz118@schools.nyc.gov>
Sent: Wednesday, April 21, 2021 3:14 PM
To: Washington Marcus <MWashington17@schools.nyc.gov>
Subject: Re: 5AT

Thank you, Mr., Washington! It was a pleasure working with you as well and I hope we get to do it again at some point!!! You helped tremendously and you are indeed a passionate teacher that shows genuine care for the students and the work they do. Please feel free to still visit the classroom or stop by anytime you can! And thank you for these notes, I will continue to follow up based on your findings and know that these students would not be where they are now in their progress if you did not take the time to step in and teach them. There is a lot to be proud of in the brief stint for class 5AT.

Have a great rest of the day and please when you get the chance, send the Spelling test template as I would like to continue that format and instruction for the class. Thank you!

All the best,

Mr. Cruz

From: Washington Marcus <MWashington17@schools.nyc.gov>
Sent: Tuesday, April 20, 2021 2:21 PM
To: Cruz Jeremin <JCruz118@schools.nyc.gov>
Subject: 5AT

Hi Mr. Cruz,

I'm kind of disappointed that I'll be leaving your class, but that's the life a substitute! Below is a list of things I was doing or working on that you should follow up on.

Word Work:

I was in the process of sending home a progress report of the students' work for Module 3, Weeks 2 and 3. Kaycee and Michelle forgot their Know It, Show It books, so I was not able to list their grades. Lucia's progress report is not complete because she was supposed to retake her spelling test [15 words] today, but we didn't have time to get around to it. I am leaving their

progress reports on your desk.

Go Math!:

The students took home their Chapter 7 tests to get it signed by their parents and should be returned tomorrow. Per our discussion, Maliya has stated that she cannot find her test.

The students who should be given Reteach worksheets following each lesson based on their past test grades:

1. Lucia
2. Surrae
3. Sehki
4. Caden
5. Maliya
6. Derek
7. Anamaria
8. Lesly
9. Kaycee
10. Serenity

I've also attached the excel spreadsheet I used to track their grades and completed work.

It was great working with you!!!

Mr. Washington

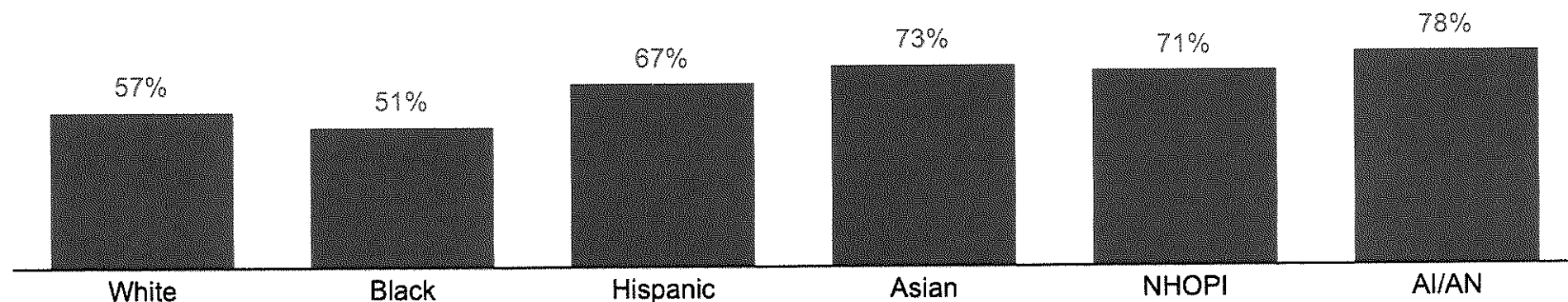
Exhibit N

Figure 3

Percent of People Receiving At Least One Dose of the COVID-19 Vaccines by Race/Ethnicity, as of February 22, 2023

Click on the buttons below to see data for the different vaccine doses:

At Least One Dose Bivalent Booster



NOTE: AIAN refers to American Indian or Alaska Native. NHOPI refers to Native Hawaiian or Other Pacific Islander. Persons of Hispanic origin may be of any race but are categorized as Hispanic; other groups are non-Hispanic.

SOURCE: Centers for Disease Control and Prevention, Trends in Demographic Characteristics of People Receiving COVID-19 Vaccinations in the United States, accessed on February 22, 2023 • PNG

KFF